KASHMIR : FROM CRISIS TO CRISIS

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by
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Chapter 1

The Modes of Historiography

The social or political change can occur through two processes: (1) endogenous process, (2) exogenous process. Marxist sociology subscribes to endogenous causation to change from a dialectical point of view. Marx identifies internal contradictions as the spur to socio-political change. Marx Weber also emphasises on endogenous nature of change working through innovation of new values. Toynbee, on the other hand, highlights the exogenous factor for the causation of social or political change. He points out—

> "Growth is achieved when an individual or a minority or a whole society replies to a challenge by a response which not only answers the particular challenge that has evoked it but also exposes the respondent to fresh response on his part. And the process of growth continues, in any given case, so long as this recurrent movement of disturbance of equilibrium is maintained. This is the process of growth ..... although the process may be uniform, the experiences of the various parties that undergo the process are not the same."

Thus the two processes pinpoint the internal and external causation to social and political change. Toynbee's approach fits in "the eternally progressive theory of time", finds justification in the linear-movement concept of history, termed by some historiographers "the bamboo-knot" theory of historical growth.

A projection for the Social and Political change is the deliberate economic deprivation of a community, to what

Hecktar characterizes as internal colonialism, or phenomena of dominant centre and week periphery. The modern capitalist state is an upholder of a "cultural division of labour" that distributes valued jobs and economic development unevenly, in such a way that the core region of the country controls the best jobs, while the peripheral regions are dependent upon the core and the ethnic groups that inhabit these regions are confined to the least-skilled and prestigious job. However, the consciousness of economic deprivation has not been pronounced or pervading in the articulate public or political opinion of Kashmir. It can, at best, assume the shape of a dependent variable. The election manifestoes and the nature of convassing and campaigning in the recent elections have never highlighted the deprivation syndromes. Even during the freedom struggle the demand for economic rights was not persuasive or pronounced. One more projection pertains to communalism in the subcontinent. This feeling of communalism in India has affected the people of Kashmir in recent years. The discrimination, deprivation, disparity and destitution of Indian Muslims leaves its repercussions on the political behaviour of the people in the valley and creates fears of Hindu-domination in them. However, the feeling can be bracketed within the dependable variable because it does not itself produce political reverberations or protest movement and does not appear to mobilize the people, as the situation of identity crisis in Kashmir does.

Ethnic resurgence is a world wide phenomenon. Ethno-nationalism is found in two varieties. First, the phenomenon is closely linked with the politicization of ethnic, religious and cultural identities in the wake of ongoing processes of modernization and development. As such, this conflict has been pronounced in states with a heterogeneous population. Secondly, the 'national' self-awareness of ethnic groups concentrated in compact geographical areas, which have retained, or have developed or are in the process of developing self-awareness. The vale of Kashmir constitutes the second category of ethnic identity formation.

The Origin, Growth and Consolidation of Kashmir Identity

Kashmir is noted for its lush-green forests, bubbling springs and scenic water ways. The valley has attracted the attention of poets, painters and philosophers since ancient times. Kashmir is the largest valley in the lap of largest mountains and is cup-shaped. Its mountainous ecology has, nevertheless, helped in the protection and preservation of its particular culture and the genetic pool. This flora and fauna has equally influenced the socio-psychological individuality of its people. This factor has led to the development of regional consciousness and that distinguishes Kashmiris from their co-religionist outside the valley. Thus geography of Kashmir has played a significant role in shaping and moulding the social, economic and political history of Kashmir. It developed in them ethnic proclivity and a distinct culture. The influence of geography on the social and political life of Kashmir has been profound. The Kashmiri identity is the product of "territorial homogeneity, the folk-cultural specificities, the common heritage of Kashmir civilization and its linguistic identity, uniformity of artistic, literary and aesthetic tradition and similarly in ethical-psychological make-up as well as in dress and food habits etc. based on climatic-geographical conditions and socio-cultural mores evolved so far.

Every language is evolutionary in character and bears a marked imprint of its locale. Curiously the Kashmiri language is polyglot in character. Out of every hundred words 25 will be Sanskrit, 40 Persian, 15 Hindustani, and 10 Arabic. The remaining ten will be Tibetan, Turkish, Dogri and Panjabi. In modern times there has also been a sprinkling of English words in dialects spoken even by illiterate.

Kashmir has made a valuable contribution to the sub-continental literature. Kashmir was one of the most notable seats of learning in ancient India. Kashmir has infact provided a novel conception of poetry and intellectual pursuits. Kelhana assets that Saffron is the seed of poetry and as no other province of India produced saffron, Kashmir alone is the true home of

poetry. Kashmir is the land of proverbs and common speech is profusely replete with them. However, the literature produced from the end of the time of Habba Khatoon to the beginning of the period of Ab. Ahad Azad or Mahjoor is highly symbolic. This reveals the freedom of thought and expression as shrouded in similes and metaphors. However, political awakening in Kashmir since 1931 gave an impetus to bold expression of feelings and frank assertion of ideas.

In the 14th century Islam revolutionized the social life of the people. The stiff and strong opposition to Islam by the orthodox Brahminism on the one hand and its critical appreciation by the Shiv philosophers, on the other finally resulted in the emergence of a new composite culture, which may be called religious humanism.

The development of composite culture in Kashmir has evolved a tradition, i.e. particularly free from dogmatism and obscurantism. History bears witness to the fact that Kashmir has produced great saints and peers. The cult of Buddha, the teachings of vedantas or mysticism of Islam, through Persian sources, have one after the other found a congenial home in Kashmir. All these strands of different religious philosophies produced a confluence of culture which was ideal for meditation and this explains the idiom "orchards of holymen" and some European writers erroneously characterized this trend as the 'cowardly character of Kashmiris'.

The second variable in our proportions is religious and pan-Islamic affinities. The religious urge herein is purported to mean the legitimate religious urges of the people that hypothetically separate the religious domain from political dimension. This does not mean that there is complete segregation between them, but both co-exist within the their respective spheres without bordering on religious fanaticism or regional chauvinism. However, when the legitimate religious urges are suppressed (like the conversion of Pather Musjid into a granary and closing of Jamia Masjid for prayers, the Sikh Governors alleged attempt to demolish Khankha, Gulab Singh's insinuations to discourage the drinking of water from a Musalman and his disallowing the

purchase of cheese prepared by a Muslim, anti-cow slaughter provisions, the practice of *beggar* exclusively confined to the Muslim community and ban for keeping arms by the Muslims) led to the articulation of a Muslim protest and pan-Islamic identities.

Here we symbolised the first variable as the composite cultural variable and the second as the deprivation variable on the basis of religious sentiments. The composite cultural variable has influenced socio-psychological make-up of the people here. In fact, the roots of composite culture go down to the ancient period. The vedic Brahminism had degenerated and become and instrument of reaction, cruelty and suppression. The ruling classes headed by a section of short-sighted Brahmans had become demoralized. Buddhism replaced Vedic Brahminism because the latter had passed into decadence and cesspool of corruption. Buddhism came with its Doctrines of love, piety, universal brotherhood, spiritual values and high morals. The massive conversion produced revolutionary changes in the political, social and cultural life of Kashmir. Nevertheless with the passage of time the Buddhist faith was also subjected to corrupt influences and this gave impetus to the development of new cult of shiavism. The conflict between the Buddhism and the Brahmanism had been revolved by the most intelligent method of the fusion of the two cultures which flowered in the Shaivite philosophy containing positive achievements of both. The acceptance of the new philosophy by the intellectuals as well as by the masses resulted in the rout of reactionary Brahminism and the emergence of Shiavism.

Islam made its way in Kashmir, says Stein, not by forcible conquest but by gradual conversion for which the influx of foreign adventurers. Both from south and the Central Asia had prepared the ground for it. The social economic cultural and political condition of Kashmir had touched the Nadir on the eve of the arrival of Islam in Kashmir.

Shiavism had gradually evolved into monotheism and this set of beliefs had further flowered into Trika Philosophy. The acceptance of this new philosophy by the intellectuals as well as

by the masses resulted in the rout of the reactionary Brahmanism. The reason why Islam spread in the valley rapidly and peacefully can be easily explain when it is known that the Trika Philosophy which the Kashmiri Hindu have evolved is basically similar to the Islamic philosophy in many respects. The Trika and Islam both each that God is self-evidence and does not stunt in need of any proof. This element of monotheism made the Islamization process very easy.

Chapter 2

Ethnic Configuration in South Asia:
A Profile of Kashmir

The post-colonial world order, engineered on the concept of supremacy of the state, anchored on a super-imposed nationalism, legitimized by secular or religious ideologies and enforced by an extremely powerful bureaucracy is under great strain.

Two dissimilar and parallel realities—greater demand for a participatory system to be encouraged by dismantling some of the coercive forces of the state, and strong trends for regional integration—have unleashed unsettling forces.

Ethnic separatism, either in the name of sheer autonomy or in terms of better politico-economic institutions, poses a severe challenge both to the regional security and the territorial integrity of the states in South Asia. Given the internal and regional ramifications of ethno-nationalism a multi-tiered dialogue accompanied with participatory political policies and egalitarian economic systems, is the best way out. Simplification of these forces as mere law and order problem is further going to lead to blind alleys and alienating the ethnic forces beyond point of no return.

India has an ethnically heterogeneous and fragmented population, with hundreds of ethnic groups transforming overtime, into self conscious ethnic communities competing for greater access to power and resources. Ethnicity plays a

significant role in directing the course of Indian politics with ethnic mobilization assuming various forms, including divisions along linguistic, territorial, tribal and religious lines. Ethnic assertion has increasingly taken a violent shape.

An ethnic group can be defined as 'historically formed aggregate of people having a real or imaginary association with a specified territory, a shaved cluster of beliefs and values can nothing its distinctiveness in relation to similar groups' and recognition as such by others of its group differentiation.[1]

Ethnicity, however, is a flexible concept and the processes leading to the formation of ethnic groups are fluid and not primordial in nature. A stress, in changed circumstances for example on religion instead of language, will transform an ethno-linguistic community into a communal one. Ethnic group identities are also affected by external factors. Developments such as migration, redefinition of territorial borders, economic advances and changing political systems will result in ethnic groups dividing, amalgamating, disappearing or reappearing in completely different forms.

In the sate of Jammu & Kashmir, the movement has largely a historical and geo-political background. Ethno-nationalism supported by a defined territorial, cultural and constitutional distinctness wins it a major following. One section largely led by Jammu & Kashmir Liberation Front (JKLF) stresses a supra religious Kashmiryat in a very ideological and strategic sense of the word so as not to alienate Buddhists in Ladakh and Hindus of Jammu from the predominantly Muslim population of the valley. The other section of the population, on the contrary led by Jamati-Islami and its militant wing and many other such groups who follow the Jamat ideology, while banking on territorial sub-nationalism, stress the religious component of the Kashmiri identity which to them is to join Pakistan in the true tradition of millat. The cause enlists support from religious groups in Pakistan, Afghan Mujahedeen, Iranian and Arab Islamists. Those favouring independent character of the State, ensure support from some regional and extra-regional quarters, given the fact that the Indian secularists, for their own reasons

are almost unanimous in keeping Kashmir as an integral part of India.[1] At another level, Pakistan's persistent interest in Kashmir for the past forty five years, besides the assertiveness of immigrant Kashmiris both in Pakistan and the rest of the world adds an international dimension to the issue. Here it becomes a geo-political issue with claims based on historical and cultural affinities.

Noteworthy here is the fact that ethnic based violence have not only put individual countries of the region in a vulnerable position but have also constantly disrupted inter state relations in South Asia. Disorder in Sindh at the behest of factionalized Sindhi nationalists or the Urdu speaking organized Mohajirs or the case of Indian Punjab, Assam, North East, the Tamil problem in Sri Lanka, the ethno-nationalism in Kashmir, pose a serious threat to the very existence of their respective states. In most cases, the countries of the region (India, Pakistan, Sri Lanka and Bangladesh) accuse one another of inflaming and helping the 'secessionists'. Such mistrust, given the fact of unresolved boundary disputes in South Asian context constitute a serious threat to regional security. It was in the year 1971 that a country in South Asia got further bifurcated due to a strong ethno-national movement manoeuvred into separatism by open external support to the extent of an all out war.

The Kashmir Case

The Kashmiri's feel alienated from the mainstream Indian political system. They justify their separateness to the favourable forces of geography, history, demography and religion.[3] The Kashmiri Muslims seem to reject India secularism, quite contrary to the Indian Muslims, who strongly believe in its efficacy. The geo-political changes in Eastern Europe and Central Asia strengthened their ethnic assertions and intensified their desire for the struggle against what they allege alien rule. New Delhi would like to see all the blame to be burdened over the shoulders of its traditional rival Pakistan for encouraging ethnic assertion in many parts of India including Kashmir. Pakistan accepts its involvement in the revolt only upto the limit of moral,

political and diplomatic level. It counter charges India of fanning ethnic violence in Pakistan's Sindh and North Western Frontier provinces. However, in case of Kashmir, the forces of history, geography and political ethos emanating from religious-cum-ethnic separateness, to a large extent, belie such externalization of the issue. Various aspects of the ethnic assertion in Kashmir can be summarized as follows:

The entire state of Jammu & Kashmir before the year 1947 sub-continental alterations has been a religiously, politically and ethnically heterogeneous region. Gilgat and Baltistan, presently called Northern areas, have for long been predominantly muslim areas with autonomous princely states like Hunza and Nagar. Chilas and Astore (Dadries) were autonomous from the Maharaja. Ladakh has been predominantly Buddhist. The valley, the Jagir of Poonch and some areas of Jammu have been overwhelmingly Muslim. Two southern tehsils of Jammu were Hindu dominated areas in 1947. The entire state has been predominantly muslim.

The Kashmiri's inspite of their close affinities with the rest of the sub-continent have managed an individuality of their own, historically and socio-culturally. Besides owing to their geographical isolation, they are also distinctly separated from the rest of the Indian sub-continent. The Kashmiri's fought subjugation under Mughals, the Pathans, Sikhs, the autocratic Dogra's to preserve a special identity called 'Kashmiryat'. This Kashmiri identity or 'Kashmiryat' is composed of varied elements, and has developed its particularism and identity over a long period of time, stretching back to centuries in the past. Kashmiris of varied faiths—the Muslims, Pandits, Sikhs and even Christians have contributed to the emergence of this identity.[4] Kashmiryat is a sense of community of a people who have lived together for ages and developed and preserved its own distinctive identity. Thus Kashmiryat ententes beyond the barriers of religion. It goes back to the centuries before Christ, when the Kashmiri Hindus adopted Buddhism en-masse, then turned to Hinduism en-masse and later accepted Islam en-masse. A proof of Kashmiri secularism is that even the fight

against Dogra rule was fought as a fight between an autocratic feudal rule and the poor peasantry and workers without being coloured by religious orientations. A proof Kashmiri secularism is that the state has always been singularly free of communal violence. The indigenous methods of Kashmiri muslim's practising of faith, and following the traditions and customs, sometimes even to the extent of modifying the rules of Islamic jurisprudence makes him distinct from his co-religionists elsewhere. In the same way, the Kashmiri Pandits have developed their on indigenous philosophies, devised their own symbols and created their own traditions which distinctly separates them from the majority of their co-religionists in the sub-continent. They wrote their own Vedas and Shastras, discovered their own sacred places such as Gangotri at Ganderbal, their Haridwar at Shadipur in Kashmir. While holding religious shrines of India in esteem, they created their replicas in their own native soil and in doing so, created a mini sub-continent in Kashmir.[5]

Thus a common Kashmiri, accumulated a distinct look, the fusion of varied faiths and cultures resulted in their particular and specific ethnicity. The land, the climates, the geography, their history shaped the evolution of their particular ethnic profile. A common language bound them closer into a distinct cultural grouping.

The insertion of Article 370 in the Indian Constitution implied a constitutional assurance that the Kashmiris would be free to shape their future destiny as they desire without any attempt to impose upon them anything by sheer force of numbers But this has not happened. Over the years all out efforts have been made to dilute Article 370 so as to assimilate and integrate Kashmiris in the national mainstream. It is observed that the inspiration for the present crisis lie primarily in Kashmiris preservation of its cultural identity in the face of the advance of the Hindu nationalism. Cultural marginalism of a people due to a process of state sponsored imposition of pan-Indianness represents an important source of crisis in the Valley. This is not only a glaring contravention of Article 370 but also

Article 371, applied to the North-Eastern region of India to ensure the preservation of cultural, ethnic, linguistic and religious identity of the tribes.

The Kashmiri identity has, in the recent past, also been under strain owing to reasons from within. Discouraged by Hindu nationalists in the country, the sizeable section of Kashmiri Muslims appear to have been led to a course, where the religion's edge of Kashmiri identity is getting more and more sharpened to the effect of diluting the Kashmiryat. For various political and economic reasons, the Kashmiri pandits, who laid the foundations of this ethnicity have also been down-playing with this identity. They have started identifying themselves with the beliefs of traditions of Hindu religious majority of India.

The Kashmir issue, at no less a significant level emerges as a bilateral issue between Indian and Pakistan. The secular nationalism of Indian National Congress discredited religious nationalism. It faced an ideological adversary in Muslim nationalism besides intra-party rival in Hindu nationalism, fed, as the latter was by a belief in 'Muslim disloyalty' to India. The accession of Kashmir to India, however, provision, discredited this Hindu nationalist argument that 'Muslims' are essentially disloyal to the country. Once Kashmir became a part of India, however, provisionally, it became inextricably tied up with India's secularism. Nehru argued he always regarded the Kashmir problem as symbolic, as it illustrates that we are a secular state.[6] However, this view proposing a link between Kashmir and Muslim welfare is dubbed as a 'hostage theory' by scholars in Pakistan.

Nehru's fears, however, were not imaginary. In 1952, Hindu communalists launched a full-fledged movement in Jammu against Kashmir's vacillations on a full-fledged integration with India. But more than ever before, the wounds have reopened in the late 1980's. Burdened with the feeling that India's secular state has gone too far in appeasing minorities, Hindu nationalism has gained remarkable strength in recent years. The demolition of Babri Mosque in Ayodhya in October, 1990, is the most conclusive demonstration of a deepening political trend that has already set in motion in the country.

Pakistan, at its part, feels denied an area otherwise belonging to it due to religious, geo-political and economic reasons. It feels severely wronged by both the British and India on the issue, in addition to its desperation at the United Nations failure to resolve the matter. The dramatic changes in the boundary on the eve of independence left Kashmir as a bone of contention and there appears little doubt that had the British made different decisions as to the policy and course of action at that time, the Kashmir problem might never have risen, at least, in its acutely virulent form.[7]

The Kashmiris are caught between two pulls. A complex of emotions has marked their relationship with the two countries. Since 1947, the time Kashmir acceded to India, the issue of its relationship with India could not be decided. The legality of accession was to be politically reaffirmed in a plebiscite. A plebiscite was never held because both India and Pakistan could not overcome the mistrust.

The atmosphere of mutual suspicion, has given rise to a number of Indo-Pak divergencies such as mutual allegations of interference in internal affairs, suspicion of each others military programmes or even the relationship with extra regional powers. Collectively, these provide substance to this historical discord, which has once again come into focus due to a massive show of defiance against the authority in the state. The allegation by India that Pakistan provides arms support to the Kashmiri activists has added a military dimension to the issue. The general alienation of Kashmiris from the mainstream is generating enough emotional heat on both sides of the international border. Once again it is felt that without resolving this major stumbling block one way or the other, the bilateral relationship between them will continue to remain hostage to the forces of militarism, conflict and self assured destruction.

Both the United States and the United Kingdom wanted to resolve the crisis swiftly at the time of its emergence because of their fears of communist expansion from the North. Nehru due to his emotional attachment to the Kashmir and not willing to appear weak before his rightist opponents was always forced to take a stubborn attitude towards the problem.

In 1950, Sir Owen Dixon, undertaking arbitration task on behalf of the UN, offered his partition-cum-plebiscite formula in Jammu & Kashmir so as to meet the sensitivities of both the contenders. But despite Dixon's shuttle diplomacy, the formula could not mature as a result of evasiveness of both the parties. In the same manner, the Nehru-Ayub talks could not materialise. Neither the wars nor the various summit meetings between the leaders of the two countries resulted in any tangible solution of the problem.

Had the issue been resolved in its early stages through international arbitration and a reference to the Kashmiris themselves, the shape of sub-continental relationship would have been altogether different. The baffling burdens of three wars and the mad rush for conventional and non-conventional weapons into the sub-continent would have been minimised, if not altogether eliminated.

The present uprising in the state and its intensity almost took both the parties by surprise. In 1988 SAARC Summit, Rajiv-Benazir showed quite an optimism for a thaw in Indo-Pak relations. But in 1989, both the countries, once again, began gearing up for another war over Kashmir. The changes in East Europe and the neighbouring Central Asia, besides from within such as frustrated at the undue political interference by the Central Government in the administration of the state and the mounting economic burdens, greatly moved the local youth, who shunned all the stereotypes about their traditional docility and launched a two pronged resistance to the New Delhi's rule. On one hand, the populace took massively to the streets demanding the settlement of the Kashmir issue, on the other hand, a number of underground organisations of the local youth, took to militancy.

India put the entire blame for the Kashmiri resistance to Pakistan. The rhetoric for war increased with Indian rightist demands for hot pursuit of the Kashmiri activists and the dismantling of the alleged training camps across the border. At the international level, both the Western powers and the Soviet Union seeing the clouds of war looming large over South Asia

and its ramifications in the form of a nuclear holocaust, kept on dissuading the contenders to desist from any active military overture. The international opinion at the same time increasingly was turning towards a peaceful settlement of the issue in accordance to the aspirations of the subjects of the state.[8]

Keeping aside all the bitterness, the two countries commenced Foreign Secretary level negotiations to arrest the growing tensions over the borders. Situation, as expected, did not improve. New Delhi continues to blame its adversary for training the activists of the resistance, besides pushing in foreigners to take part in the resistance. Islamabad denies it and insists on addressing the main issue of a Kashmir plebiscite.

The Kashmir issue has essential regional and extra-regional dimensions. It presents first serious possibility of altering the status-quo in the region of South Asia, since the birth of Bangladesh in 1971. The revolt in Kashmir, together with insurgency in Punjab provides a situation where two regions in the Indian Union both constituting non-Hindu majority are in turmoil. The continuing political instability in India, the rise of Hindu fundamentalism, the militancy in other ethnic based movements added conspicuously to the Kashmiri defiance. The ethnic competition and conflict in India since 1980's has manifested itself in many forms, including to tribal and caste movements, communal strife, regional movements for greater autonomy and even demands for succession. A weakening of political institutions, accompanied by the continual use of coercive strategies is further exacerbated ethnic strife and reduced the Centre's ability to contain them.

Almost whole of South Asia has complex and equally violent ethnic loyalties overriding the borders, and worst of all skirmishes over un-settled political issues. The ethnic loyalties cutting across the borders have been breeding mistrust and ill feelings. For, each fear provocation of these loyalties by the other. Each alleges to be victim of low intensity war and subversion by the other. Consequently, a diversity of opinion regarding the security issue prevails from country to country in the region. While, India, the Core state, is inclined to evolve a

security framework in regional terms, the rest of the major South Asian states tend to be guided more so by fear perceptions leading to trans regional linkages. Thus Pakistan's security frame has been conditioned by its antagonism towards India. Pakistan's irrigational and energy systems solely depend on rivers flowing through Jammu & Kashmir state. The control or diversion of waters are constant reminders of its vulnerability.

It is in the interest of the region to suggest that India owns greater responsibility owing to its pre-eminence in the region to initiate some concrete confidence building measures, for its as well as for the sake of sub-continental peace. It may not be out of place to note that the drastic changes in the Soviet Union have given a severe set back to India, the former being its traditional alley in cold war. Similarly, the things having lost interest for west and the United States in Pakistan after the cold war, the scenario offers a ripe opportunity for initiating efforts towards resolution of long standing political issues. The Kashmir issue also implores an analysis in the context of extra-regional unrest that is manifest in the strategic Islamic crescent of conflict which begins from middle East and goes through India. This chain of unrest includes popular resistance in Palestine, the struggle in Afghanistan, the stirrings in Azerbaijan, Tajakistan and the Kashmir. Additionally, the significant global changes and the unraveling of the post World War II status-quo in the East Europe bear its ramifications over the region. Last though not the least is the importance of the universal ideas of self dignity, freedom and identity generated by the European experience. The recent global changes presenting assertive global opinion on issues, like human rights and NPT, the spill over from Kashmir may have far reaching impact on global geo-political situation.

It may be concluded that it is a combination of internal and external factors that has created conditions for and explains the Kashmir situation in 1990's. Externalization of the situation puts regional security into the doldrums. The issue needs to be comprehended on the basis of ethno-nationalism, historical claims and regional implications.

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Chapter 3

Varied Moods of Kashmir History

Kashmir, a mountainous country landlocked between Himalayas, Karakorams and Hindukush is bounded on the north and north east by Chinese-Turkistan, on the east by Tibet, on the south by India, South-west and west sides by Pakistan and on the north by Wakhun tongue of Afghanistan. Its area in 1947 covered approximately 84470 sq. miles. Its break up in 1948 with the imposition of cease-fire line by United Nations resulted in conditional hold up by India of an area of 50513 sq. miles (60%) and balance area of 33958 sq. miles (40%) came under Pakistan controlled Kashmir Government.[1] According to 1941 census, of the total population of 4,021,616, Muslims accounted for 3,100,000 and the Hindus 809,000 approximately.[2] 1971 sq. miles of the Indian controlled Kashmir at Aksaichin and Demchok in Ladakh were occupied by China in 1962 as a result of Sino-Indian war. About 1868 sq. miles at Shaksgum in northern areas have been conditionally taken over by China from Pakistan under an agreement between the two in December, 1962. An area of 29814 sq. miles of Azad Kashmir (Gilgat and part of Baltistan) has been brought by Pakistan under its direct administrative control.

The state exhibits heterogeneity in terrain, cultures and languages. According to 1981 Government of India census, the population of Jammu & Kashmir state (its controlled) is as under:

Region	*Population*	*% Muslims*	*Hindus*	*Others*
Kashmir Valley	31,34,909 (52.36%)	94.96	4.59	0.05
Jammu	27,18,113 (45.39%)	29.60	66.25	4.15
Ladakh	134,372 (2.24%)	46.04	2.66	51.30
Total State	59,87,389	64,19	32.24	3.57

The valley of Kashmir, oval in shape, 136 kms. in length from north-east to south-west and 32-40 kms. broad, is widely acclaimed for its beauties and bounties. For centuries, it has remained the object of attention of poets, painters and philosophers:

Exclaims Thomas Moore:

> Who has not heard of the vale of Kashmir with its roses the brightest that earth ever gave.

Alama Iqbal in a reference to Kashmir says:

> Its mountains, rivers and the sunset unveil the true self of God.

Francis Young Husband praises Kashmir in these words:

> "Kashmir is more beautiful than Greece. It has the same blue sky and brilliant sun shine, but its purple hills are on a far grandeur scale, and if it has no sea, it has lakes and rivers and still more impressive snow mountains".[3]

Kashmir Under Muslim Rule

Kashmiri Shiavism made its appearance in Kashmir at the beginning of the 9th century A.D. The conflict between the Buddhism and Brahmanism had been resolved by the most intelligent method of fusion of the two cultures which followed in the Shaivite philosophy, containing positive achievements of both. Shiavism was founded by Vasugupta in the 8th century A.D. For nearly 600 years from 8th to the 14 century, the philosophy guided the Kashmiris in shaping their personal and public affairs.

Islam made its way into Kashmir, says, Stein, 'not by forcible conquest but by gradual conversion, for which the influx of the foreign adventurers both from the south and the Central Asia prepared the ground'.[4] Though individual conversion had been going on for some time, particularly after the local ruler Rinchen embraced Islam in 1320, Hazrat Amir-i-Kabir Mir Syed Ali Hamadani, one of the most remarkable personalities of the 14h century Muslim world, is regarded as the real founder of Islam in Kashmir.

Rinchen, a Buddhist became first Muslim ruler of Kashmir in 1320. He is believed to have actually owed his conversion to Bulbul Shah. Being conscious to the fact that a ruler could not belong to a faith which do not enjoy mass support, he decided of a conversion to the popular faith. Hinduism was a dominant creed but Islam had begun to get growing number of adherents. Rinchen's decision to convert to Hinduism did not mature as it was not possible for the Hindu clergy to decide as to which caste in Hindu social hierarchy could he be placed.[5] Thereupon, he left his religion to chance.

One morning, he was woken up by the sound of Allah-U-Akbar, (God is great) the first verse of Azan, the call to Muslims for morning prayers. Immediately, thereupon Rinchen approached Bulbul Shah. Bulbul Shah gave him assurance that Islam was based on equality, did not behold the caste system and believed in the omnipotence of God. Rinchen embraced Islam and took the name of Sultan Sadrudin.[6] The peaceful conversion to Islam of Rinchen Shah, induced by its equalitarian ideology, paved the way for the establishment of Muslim rule in Kashmir.

The rule of Muslims came as a blessing not only politically, but intellectually and spiritually as well. Politics had de-humanised Kashmiris, Islam made them humane again. By coming into contact with a new culture and civilization as a result of muslim rule, Kashmiris lifted themselves up from the morass in which they had fallen and in which they were sinking deeper and deeper. The socio-cultural life of the people got revolutionized with the advent of Islam in Kashmir. 'Religious

humanism', a new composite culture emerged as a result of stiff opposition by the orthodox Brahmans and critical appreciation of Islam by the Shaivite philosophers. Hermitess Lala Ded represents first apostle of this creed. Her sayings lay the basic principles of this culture. Nund Reshi, her disciple, a great saint of Kashmir carried on the basic principles of this new culture. The Islam, in contemporary Kashmir, though it surely stands on the basis of the cardinal principles taught by the Quran, has been deeply influenced by the ancient Kashmiri culture. Even after their conversion to new faith, the Kashmiris did not altogether abandon the ways of life and mental outlook that their forefathers had cultivated through thousands of years of their history.

After Rinchen Shah, the next noteworthy Muslim ruler of Kashmir was Shah Mir. He was humane, just generous and like Rinchen, tried to heal the wounds inflicted on Kashmiris by nearly two centuries of feudal anarchy and misrule. Although, he ruled only for three years, yet he was able to win the loyalty of his subjects who considered him as their saviour. He died in 1342.

During Qutub-U-Din's reign (1374-89), Islam made great progress in Kashmir. During his time host of Sayyids (descendants of Prophet of Islam) from Iran arrived in Kashmir and encouraged the conversion of people to Islam. The most notable of these Sayyids was Mir Sayyid Ali Hamadani who was destined to exercise a tremendous influence on the socio-cultural life of Kashmir. The great Sayyid is popularly known in Kashmir as Shah-i-Hamadan and Amir-i-Kabir. Sayyid Ali Hamadani arrived for the first time in Kashmir in 1372 and stayed for four months. His second visit took place in 1379 and lasted for two and a half years. In 1383, he arrived for his third visit alongwith seven hundred Sayyids and stayed for one year.

Much of the conversion to Islam took place through persuasion and preaching by the great Sayyid. Syed Ali selected for his residence in Srinagar, a piece of land on the right bank of river Jhelum, which became known as Khanqah-i-Mualla. In (1398-1413), Sultan Sikender raised an attractive and magnificent

mosque on the site, which subsequently became the centre of religious and political activities of the Muslims of Kashmir.

A contemporary of Sayyid Ali in Kashmir was hermitess Lal Ded, born in 1335. Lal Ded became the apostle of religious humanism in Kashmir. She was strongly against formalism in religion.

From early in her life, she refused to conform to the established traditions, dogmas and rituals of Brahmanism. Having assimilated the basic teachings of both Shiavism and Islam, she became the harbinger of the resurgence movement in Kashmir. She knew that the dynamic philosophy she was preaching and composite culture she was founding were bound to open an era of human brotherhood in Kashmir, in which the difference of caste and creed, birth and position would be meaningless.

Lalla was the spiritual progenitor of Nundreshi whose role as a wall of Islam in Kashmir can never be doubted. Relations between 'Lalleswari' and 'Nundreshi' have a special spiritual and symbolic significance. It is said that while he refused to take milk of her own mother, he drank it from the breast of Lalleswari. He grew up in her spiritual patronage and acknowledged her preeminence as a spiritual heritage of Kashmir and undertook to carry it ahead. In this sense, Muslim Reshis of Kashmir represent continuity of this traditions. They introduced Islam not as a revolt or as a destroyer of the tradition as is the case in many parts of India but as a preserver, consolidator and perpetuator of the traditions.

Sikender ascended the throne of Kashmir after the death of his father Sultan Qutub-u-Din in 1389. He was the first Muslim ruler of Kashmir to enforce the Muslim law with great strictness. Besides being an able and brave ruler, he was a great builder too. He build Jamia Masjid (Srinagar) and constructed Khankah-i-Mualla, the site were Sayyid Ali Hamadani has preached his faith.

Sikender was a great patron of learned men. A great missionary to enter Kashmir during Sikender's reign was Sayyid Muhammad Hamadani, son of the great Sayyid Ali Hamadani.

His stay in Kashmir was of twelve years. He won over many converts to Islam including Sultan Sikender's Brahman Prime Minister Suha Batta.

Sikender was succeeded by his son Ali Shah in 1413. His rule lasted for a short period of seven years. In 1420, he was replaced by his younger brother Zain-ul-Aabidin, who was just nineteen years old at that time.

Zain-ul-Aabidin was the most remarkable ruler in Kashmir. He is popularly known as Bad Shah or Great King. His reign from 1420-1470 is rightly 'the happiest for Kashmir and a golden era of tolerance and progress. He ushered an era of peace and prosperity. Bad Shah revoked all laws discriminatory to the Hindus, recalled Brahmans who had fled from Kashmir during Sikender's reign and followed a policy of toleration towards their faith. He recovered Ladakh and Baltistan which had declared independence before his accession to throne. He extended his kingdom from Peshawar to Sirhind.

Zainul-Aabidin, was a great builder. Towns of Nowshahra (a suburb of Srinagar city) Zaingir (near Sopore), Zainpur (near Shopian), Zainkot (in the viscinity of Srinagar), Zainalank on the Wular lake were built during his time. He laid out the beautiful island of Sona Lank and Rupa Lank in Dal Lake. Zaina Kadal, the first wooden bridge over Jhelum was erected during his time. One of the most extra-ordinary work during his reign was the construction of Mar Canal.

The king was a great patron of learning. A great number of scholars, saints and historians emerged during his reign. They included among others—Mulla Ahmad Kashmiri—poet laureate who translated Mahabharata and Rajtarangni into Persian, Maulana Kabir, the kings teacher, Syed Muhammed Madane, a great theologian, Yodha Bhatta besides many more. King a lover of books spent large sums in purchasing manuscripts from India, Iran, Iraq and Turkistan.

During Zain-ul-Aabidin's reign the arts and crafts of Kashmir revived. The king encouraged artists and craftsman from many countries to practise their talents. Native craftsmen were sent to other countries for training. Kashmir became a

centre of industrial activity, famous for its exquisite shawls, art of paper machine work, wood carving, fine embroideries, carpet weaving during this period.

Writes Lord Birdwood, all that the dreamer could hope for in so fair a country was for a time fulfilled.[7]

Zain-ul-Aabidin died in 1470 and is buried on the right bank of Jhelum near Zaina Kadal in Srinagar. The Shahmir dynasty reached the meridian of its power and glory under Zain-ul-Aabidin. However, the last phase of Zain-ul-Aabidin's reign was clouded with private sorrows and anxiety. The dissensions among his sons and their disloyalty towards him ultimately culminated in the downfall of the Shahmir dynasty until to meet its final death blow at the hands of the Chaks, who were a tough and resilient community. They hailed from Dardistan and were settled in Kupwara and Trehgam during the reign of Suhadeva (1301-1320).

Among the grandsons and great grandsons of Zain-ul-Aabidin, the accession to throne was reduced to mockery. Muhammad Shah, a great grandson of Bud Shah ascended the throne five time and each time was deposed by a cousin. Anarchy had became the order of the day. Under the prevailing conditions, many parts of the kingdom—Ladakh, Baltistan, Jammu, Rajouri declared independence.

The second decade of the sixteenth century brought untold misery to the Kashmiris. Kashmir witnessed invasions from Delhi. The Mughals in company of Magres and Maliks (the principal families constituting nobility) actually entered Kashmir by defeating the Kashmir forces. The Mughal forces subsequently left Kashmir but not before dividing the kingdom among the powerful nobles. In 1531, Mughals conquered Kashmir once again seeing the disunity among Kashmiris. They withdrew once again when resisted by Kashmiri forces under the command of Kaji Chak.

In 1540, Kashmir came under the cruel rule of Mirza Haider, a Mongol, patronised by Humayun, the second Mughal emperor of India. This time it were the unpatriotic nobles of Kashmir, who had sought his help in grabbing the throne of Kashmir.

Mirza Haider, ruled Kashmir under the policy of divide and rule. After the refusal of the Chaks to submit to his rule (who were mostly Shia), he followed a policy of persecution towards this sect. Daniyal, the son of Mir Shams-ud-Din, the principal Shia missionary was executed in 1588. This unsympathetic approach towards the masses finally resulted in his death at the hands of Kashmiris in 1557. His death was followed by recurrence of civil disorder and finally the downfall of the Shahmir dynasty. The Chaks grabbed the Kashmir throne after removing Habib Shah, the last Shahmir king in 1561.

Kashmir's political, social and religious life has been greatly influenced by the impact of Chak rule, though very brief. It lasted only upto 1586 A.D. after Ghazi Chak grabbed the Kashmir throne in 1561. The Chaks had migrated from Dardistan and settled in Trehgam and Kupwara. The two Chak factions which had split before their settlement in Kashmir, came to be known as Trehgami and Kupwari Chaks.

Ghazi Chak, the first ruler, soon after his ascendancy to throne, was successful in overcoming disorder in the country. He was an efficient and able administrator. He practised religious tolerance and abolished forced labour. His rule lasted till 1563 and was succeeded by his brother Hussain Chak.

Hussain Chak was an able ruler, who maintained a very beneficial and sympathetic attitude towards his subjects. He also followed a policy of religious and sectarian tolerance. Himself being a scholar and poet, men of learning received much encouragement during his reign.

He was replaced by his brother Ali Chak in 1570. He maintained a liberal outlook, respected learned men and patronised arts and crafts. He revered Sheikh Hamza Makdoomi, a great Sufi of the time. The king showed high regards towards scholars like Baba Daud Khaki and Sheikh Yaqub Sarfi.

Ali Chak's death followed a war of succession for the throne. Yousuf Chak (the deceased king's son) ascended the throne. However, a widespread rebellion made him to flee the country. Sayyid Mubarak, (who had served as Prime Minister during

earlier Chak kings) became the king. His brief period came to an end with his replacement by Lohar Chak, a cousin of Yousuf Chak. The nine month old reign of Lohar was a period of prosperity and development.

Meanwhile Yousuf in self exile approached Emperor Akbar and sought his help in regaining his lost throne. He spent around a year in Emperor's court in Agra. Ultimately, he was able to march towards Kashmir alongwith the Mughal forces. But upon reaching Lahore, he decided to make it by himself alone and part with the Mughal forces. In the ensuing battle with Lohar Chak, Yousuf emerged victorious. He regained the throne in (1580) after living in exile for one and a half year.

Yousuf Chak is regarded as one of the most cultured rulers of Kashmir. He was a great lover of music, poetry, art and literature. He was a great patron of scholars and poets.

Yousuf Chak also became victim of foreign marauders. In 1585, Emperor Akbar ordered invasion of Kashmir to save the Mughal interest in Kashmir. Although, Mughals faced a stiff resistance in Kashmir, but ultimately, Yousuf Chak had to bow before the Mughal might to save the kingdom from further destruction. In the secret negotiations, king Yousuf was assured that after paying homage to imperial court, he would be allowed to return to his kingdom. But this promise was never kept. Yaqub Chak replaced his father and offered further resistance. Mughals withdrew but not before establishing their supremacy over saffron cultivation and shawl manufacture in Kashmir.

Yaqub Chak proved to be an intolerant and inefficient ruler, offended the Suni nobles who revolted against him. Many Kashmiri nobles and scholars left the place for good (Baba Daud Khaki fled to Multan alongwith his followers). Kashmiri nobles headed by Sheikh Yaqub Sarfi approached Mughal Emperor Akbar to relieve them from the persecution of Chaks. Mughal forces entered Kashmir in October, 1586. Akbar was proclaimed the sovereign of Kashmir and the kingdom ceased, to be independent thereafter.

Mughal Rule

In 1586, the throne of Kashmir fell into the hands of Akbar, the Mughal Emperor. With this annexation, Kashmir lost its separate identity and became one of the many provinces in the Mughal empire. However, the Mughal conquest also ended the sad days of the unrest period of last independent Sultans of Kashmir. It goes to the credit of Akbar that he managed to bring peace and law and order to the land. He ended social discrimination among different sects and religions and treated Shias, Sunis and Hindus on equal footing. He abolished jazia and other abominable taxes and gave positions of high authority to the non-muslims. He encouraged shawl weavers with many incentives. Shawl industry once again revived.

Meanwhile the consolidation of the alien rule also resulted in the cultural impoverishment of the place. The Kashmiris lost their distinctive cultural heritage, which they enjoyed during the Sultanate period. The local artists, artisans and craftsmen better sought patronage at the Mughal courts than to enrich their own cultural heritage.

The Mughal troops turned the historic city of Srinagar into a cantonment. The Mughal soldiers often suppressed and tortured the population destroying their martial spirits. The court poets would denote Kashmiris as selfish and ungrateful people.

Akbar visited Kashmir three times. He first visited Kashmir in 1589. His second visit to Kashmir took place in 1592. Lastly, he came to Kashmir in 1597. For his first visit to the valley, thousands of labourers were engaged to construct a road through the mountainous country that had to be crossed to reach the valley. Abul Fazal quotes that Akbar was highly pleased with the charms of the country. The valley became a source of refreshment, amusement and inspiration for the Mughal rulers.

Akbar built the Hari Parbat fortress and the city of Nagar inside the huge wall that runs around mount Hari Parbat. It acted as a Mughal base in the valley. Palaces, houses and gardens were laid inside for the royal family. The fortress was completed during the reign of Jahangir. Nothing, except the

thick wall around the fortress exists at present. A beautiful garden—the Naseem Bagh along Dal Lake was also laid. Scores of chinars were planted in the garden, out of which a few still exist today.

Akbar's second visit to Kashmir took place in autumn. It was the scene of cherish the bloom and perfume of the famed saffron. However, his third visit to the valley was amidst a severe famine, when people were dying due to starvation. The ruler's insensitiveness and inaccessibilities to the starving population encouraged revolts, especially by the warring Chaks, which were crushed with an iron hand. Akbar's love for the land and his apathy towards the people inhabiting it impoverished the Kashmiri psyche extensively. They were deprived of their proprietory sights over the land and all cultivable land was declared as sole property of the emperor.

Akbar ruled Kashmir through following Governors:

(i)	Mirza Kasim Khan	1586-1587
(ii)	Syed Yousuf Khan	1587-1590
(iii)	Mohd. Qulich Khan	1590-1601
(iv)	Mirza Ali Akbar	1601-1606

Emperor Akbar's successor Jahangir paid as many as eight visits to the valley, including the two in company of his father. During Jahangir's reign, the enthusiasm for laying gardens reached its peak, with more than seven hundred gardens flourishing on the edge of Dal Lake. The beautiful gardens at Achabal and Verinag owe their existence to the refined tastes of queen Noor Jahan. Nishat garden was laid by Asif Khan, brother of Noor Jahan. Thomas Moore, the author of the Lalla Rukh, glorifies the charms of Kashmir, in his famous poem through a love story, partly set in the Shalimar garden, the garden laid out by Jahangir. Jahangir's passion for the charms of valley is aptly quoted by his famous Persian stanza:

"Gar firdous bar rue zamin ast
hamin ast, hamin ast, hamin ast!
(If there be a paradise on earth,
it is this, it is this, it is this).

Jahangir's last visit to valley was in 1627.

Kashmir was ruled by Jahangir through the following Governors:

Kulbeh Khan	1606-1609
Hasham Khan	1608-1612
Safder Khan	1612-1615
Ahmad Beigh Khan	1615-1618
Dilawar Khan	1618-1620
Iradat Khan	1620-1622
Itikad Khan	1622-1632

The Governor's deputed by Jahangir were of varying character. Some of them were oppressive and cruel. Once on a complaint by the Pandits of Kashmir, Jahangir sent a stern warning to Kulbeh Khan to desist from resorting to oppression. The latter was at once dismissed when it came to the notice of the Emperor that his instructions were not obeyed by the Governor. Some of the Governor's revived the traditions of forced labour, imposed harsh taxes and subjected people to distress and agony.

Shahjahan visited Kashmir four times during his reign. The beautiful garden of Cheshma Shahi is the magnificent creation of the emperor. Shahjahan deputed following Governors to Kashmir:

Zaffar Khan	1633-1640
Murad Baksh	1640-1641
Ali Mardan Khan	1641-1642
Zaffar Khan	1642-1646
Tarbiat Khan	1646-1648
Hassan Beigh Khan	1648-1650
Ali Mardan Khan	1650-1657
Lashkar Khan	1657-1659

Aurangzeb, visited Kashmir only once in the year 1665. The Emperor ruled the place through twelve Governors (1658-1707). They are:

Himad Khan	1659-1662
Ibrahim Khan	1662-1663
Islam Khan	1663-1664
Saif Khan	1664-1667
Mubarik Khan	1667-1668
Saif Khan	1668-1671
Iftikhar Khan	1671-1675
Quam-ud-Din	1675-1678
Ibrahim Khan	1678-1686
Hafiz Khan	1686-1690
Muzaffar Khan	1690-1692
Nasar Khan	1692-1698
Fazil Khan	1698-1701
Ibrahim Khan	1701-1706
Nawazish Khan	1706-1707

The Emperor followed a rigid and discriminatory policy towards the minorities. He taxed them heavily. Sectarian clashes among the muslims were also encouraged by the ruler to keep the place socially and culturally fragmented. Shia-Suni clash of 1685 almost turned into a civil war, when damage to life and property occurred beyond imagination. Natural calamities in the form of earth quake (1670, 1681), fires (1673, 1678), flood (1682) and famine (1688) brought untoward miseries and sufferings to the already broken people.

With the death of Aurangzeb, Mughal Empire went into shambles. The impact was also felt in Kashmir. As many as fifty seven governors were sent to Kashmir during the period of less than fifty years. The valley suffered heavily at the hands of these inept governors. Sectarian conflicts, starvation, poverty and famines made thousands of inhabitants to leave the place for good in search of secure future.

Afghan Domination

The Afghans annexed Kashmir in 1753 on the invitation of some nobles of Kashmir. The Mughal rule lasted for a miserable period of 166 years in Kashmir.

The change of authority from Delhi to Kabul did not end up the hard days of Kashmiris. It did not prove very different from the earlier tyrannical rule. Lawrence quotes the period as 'a time of brutal tyranny'. Men appointed as governors, wrung as much money as they could out of the wretched people of the valley. Except Amir Khan, all the Pathan governors are remembered for their brutality. Some twenty four governors ruled Kashmir during the Afghan period. Lawrence puts Amir Khan 'the best of Pathan rulers'.

The victims of the oppression included Hindus, Shias Bombas of the Jhelum valley. The first governor, Abdullah Khan, whose term just lasted for six months, carried a wealth of one crore rupees to Kabul. For amassing it, he resorted to loot and killing of innocent people. Abdullah Khan was replaced by Raja Sukh Jewan, an Afghan Hindu. The Hindus enjoyed some protection during his period. He declared independence from Kabul, when demands for additional revenues from Kabul became too exorbitant. Sukh Jewan had to give-in, when Ahmad Shah Abdali's guns turned towards him. He was defeated, captured and put to death and replaced by Noor-ud-Din Khan as governor of Kashmir.

Lal Khan, a Khokha Chief of Lower Jhelum valley, snatched governorship for a short period of six months. He subjected the subjects to terrible hardships and oppression. Especially Hindus became target of his brutality. Khoram Khan replaced him. He was an unbiased but inefficient governor. Amir Khan was the successor to Khoram Khan after brief brutal short period by Faqir Ullah Khan, a local inhabitant, who subjected local Hindus to untold torture to avenge his father's Mir Muqim Khan's death at the hands of a Hindu Prime Minister Kailash Dhar.

Amir Khan Jawan Shir is remembered as a great builder and admired among all the Pathan governors. Amir Khan (Diler Jang) proclaimed independence of Kashmir after Abdali's death in Kabul. Kasim Dad Khan was sent by Timur Shah to re-establish Afghan control over Kashmir. Amir Khan Diler Jang was defeated and Kasim Dad Khan's reckless rule became the

destiny of poor Kashmiris. He indiscriminately subjected all his subjects to misery during his reign of about seven years.

His successor was his young son Azad Khan, Lawrence puts him as the first in the rank of oppressors among the Pathan governors. George Foster in 1783 records in his journey! 'Azad Khan had become an object of such terror to Kashmiris that the casual mention of his name produced an instant horror to them. He found the people dispirited, humiliated and broken! His successor Madad Khan continued with his predecessors' methods. Amir Dad Khan and Gaffar Khan followed him. Juma Khan succeeded Gaffar Khan. He managed to restore some peace and order to the place through proper management of administration during his period of governorship. He was succeeded by Mirza Khan for a short period of one year. Mir Hazar Khan followed him in 1793. He was another cruel who would use leather bags for the drowning of people in Dal Lake indiscriminately. Rehmat Ullah Khan (1794-1794), Kifayat Khan (1794-1795), Arsala Khan (1795-1796), Asdullah Khan (1796-1807) succeeded in order as governors of Kashmir. Ata Mohammad Khan (1807-1813) was a ferocious ruler who would put subjects to utmost terror. Ata Mohammad Khan tried to become independent. His rule is considered important in the sense that he was responsible for introducing next rulers. (Sikhs) to the Kashmir Valley. In 1813, Fateh Khan, the governor of Peshawar was commissioned by Afghan King to punish Ata Mohammad for his arrogance towards Kabul. Fateh Khan turned with hope to the rising power of Ranjit Singh. Fateh Khan settled with Ranjit Singh an amount of rupees eight lakhs per annum for his joining him in taking Kashmir. Ata Mohammad had to yield after a mild resistance to the joint Afghan-Sikh forces. Fateh Khan left his brother Azim Khan to govern the country. In 1814 Ranjit Singh invaded Kashmir on the pretext that Azim Khan has failed to pay the promised annual tribute to him, though he accumulated much wealth for himself. However, Sikh forces were repelled, perhaps intense cold and heavy rain helped the Afghans to repel the Sikh forces. After defeating the Sikh forces, Azim Khan gave himself to the delight of torturing the subjects.

Some Brahmin nobles led by Pandit Birbar Dhar approached Ranjit Singh to come to the rescue of Kashmir. Meanwhile, Azim Khan left for Kabul along with a huge sum to help his elder brother Fateh Khan to gain the throne in Kabul. At that time Kabul was in the midst of a civil strife. He left his brother Jabbar Khan (1819-1819) to govern Kashmir. Jabbar Khan proved no better than his brother. In fact, he was more brutal than his brother. By this time, entire populace was highly enraged. Pandit Birbal again persuaded Ranjit Singh to annex Kashmir. He offered to bear the expenses of the adventure. In 1819, Misri Dewan Chand, Ranjit Singh's great general accompanied by Raja Gulab Singh of Jammu invaded Kashmir. This time there was hardly much resistance. Pathans were humiliated. Jabbar Khan the last Afghan governor escaped to Kabul, leaving bitter memories of Pathan rule in the minds of the Kashmiris. Ranjit Singh entered Shergarhi palace on 15th June 1819. Kashmir after five hundred years of Muslim rule fell into the hands of Sikhs.

Sikh Rule

The change of power from Kabul to Lahore for poor Kashmiris proved a change from bad to worse. Their degeneration, poverty, hunger and economic deprivation continued as before. Their anxiety to deprive Kashmiris of every thing turned Sikh rulers more merciless and intolerant than the Pathan rulers.

The Sikh rule lasted for about twenty seven years (1819-46) during which as many as eleven governors ruled the state. The last two governors Sheikh Mohi-ud-Din (1841-45) and Sheikh Iman-ud-Din (1845-46) were Punjabi Muslims.

The Sikh governors were very tough and hard administrators. Misri Dewan Chand was the first governor. His stay was for a few months. He was recalled, when the lawlessness created by the Sikh forces reached its nadir. No family in Srinagar was spared by the plunders. Property was looted, men killed and women folk molested. Thousands were compelled by the circumstance to leave the capital city towards the safer places. Moti Ram replaced Misri Dewan Chand as

governor. His first terms lasted from (1819-1820). He too acted tough with the people. Cow slaughter was made punishable with death sentence. Scores of innocents were imprisoned and killed on suspicion of cow slaughter. Instances are of whole families being burnt alive publicly on the charge of slaining a cow (Tarikh Hassan).

Heavy taxation broke the back of the common man. The muslims were deprived of their lands which was distributed among the non-muslims. Few dared cultivation of cultivable land, because of a fear of being deprived of fruits thereof. Moti Ram closed many mosques, call for prayers was forbidden. He feared that muslims gathering in the mosque conspired against the rulers and encouraged separatist sentiments from the Sikh lordship. Historic Jamia Masjid was closed down. Pather Masjid, in the heart of Srinagar, constructed by Empress Noor Jehan, was turned into a grain store. Fortunately, Kan-Kahi Maula escaped undamaged because of strong public resentment.

Hari Singh Nalva (1820-1821) replaced Moti Ram. His two years rule was even more tyrannical. He amassed huge wealth. His misdeeds came to the notice of Ranjit Singh who immediately recalled him. Dewan Moti Ram was sent to Kashmir for the second time (1822-1824) to administer affairs. It was during his governorship that Birbar Dhar, who had monopolised revenue administration and committed large scale embezzlements, was put behind the bars, where he met with his death. It was in 1822-23 that Moore Craft an English veterinary surgeon entered valley. He records the ghastly picture of poverty and starvation (Moore Craft, Part-III, Chapter ii) of a Kashmiri village in these words:

> "..... The inhabitants ..... were the semblance of extreme wretchedness; without some relief or change of system, it seems probable that this part of the country will soon be without inhabitants. Yet the soil seemed favourable for rice cultivation and the crop appeared to have been a good one. The poor people, however, were likely to reap little advantage from their labours, for a troop of tax gatherers were in the village, who had sequestered nine-tenth of grain for their employer".[10]

Dewan Chuni Lal (1825-27) replaced Dewan Moti Ram. His two year rule was succeeded by four year mild rule of Kapur Kirpa Ram. He is regarded as mildest of all Sikh governors. He was luxurious without being tyrannical. He was a mild, self indulgent man fond of women.

Bhima Singh (1831-31) replaced Kirpa Ram for a short period of less than one year. The distress, misery of the people and the brutality on the part of one after another ruler continued. Prince Sher Singh, the son of Ranjit Singh (1832-34) followed Bhima Singh. He amused himself and left all business to Baisakha Singh. During Sher Singh's time, Kashmir witnessed a severe famine, which led thousands of starving to leave the country and settle in plains of Punjab. The mismanagement of affairs by Jamadar Khushal Singh, specially sent from Lahore to watch the situation, further contributed to the starvation and deaths of the people. Colonial Mian Singh (1834-41) is considered as an able Sikh governor. The famine had broken the back of people. He managed the affairs by importing grain and other eatables to feed the starving population. Mian Singh remitted taxes on marriages and took some remedial steps to improve the administrative machinery. As a result, he won much acclamation from the people. However, his rule was cut short by his own mutinous soldiers. They put him to death.

In 1835, three European visitors, Hugal, Vigne and Henderson visited Kashmir. The visitors recorded the divide between the affluent aristocracy who lived in Palatial Palaces and the poverty stricken populace, who had merely anything to eat. Sheikh Mohi-ud-Din (1841-46) a Punjabi Muslim replaced colonial Mian Singh, when Raja Gulab Singh of Jammu withdrew from the valley after avenging the death of colonial and restoring some peace and order. It was the time, when Sher Singh had ascended the throne of Punjab, after the death of Ranjit Singh in 1839 and the succession and death of Kharak Singh and that of his son Navnihal Singh. The governor, knowing the popular sentiment, opened the Jamia Masjid for prayers, which had been closed since 1819. Sheikh Mohi-ud-Din had to face an onslaught from the Bombas of lower Jhelum

valley. Sheikh Mohi-ud-Din's period also did not change the destiny of Kashmiris. In 1845, Imam-ud-Din replaced his father, Sheikh Mohi-ud-Din as governor. The crown in Lahore was over the head of six year Dilip Singh. The defeat of Sikhs at Sabroan on 10th February, 1846 pushed into the hands of victors Kashmir and other adjoining districts as part payment of a war indemnity. The English made over part of this new acquisition Kashmir and the whole tract situated eastward of the Indus and westward of Ravi to Maharaja Gulab Singh for a sum of seventy five lakhs of rupees by the 'Treaty of Amritsar' signed on March 16, 1846. The Sikh rule which lasted for a period of twenty seven years thus came to conclusion. However, Imam-ud-Din did not give up easily and fighting went on. He sought the assistance of Sher Ahmad, the valiant Bomba and invested Hari Parbat Fort for about more than one month. The Dogra forces under the command of Devan Lakhpat Rai were defeated and Lakhpat Rai killed. At this time, English forces moved ahead and Imam-ud-Din surrendered. On 9th Nov. 1846, Gulab Singh entered Srinagar as its new ruler.

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Chapter 4

Dogra Domination and the Genesis of Freedom Movement

The Dogra brothers namely Gulab Singh, Dhyan Singh and Suchet Singh hailed from Jammu. They entered into the services of Maharaja Ranjit Singh, where they rose from lower echelons and occupied highest echelons of power. Ranjit Singh honoured the loyalty of Dogra brothers by granting a Chakla of Jammu on Gulab Singh, who assumed the title of Raja. At the time of death of Ranjit Singh in 1839, the Dogra brothers were strongly entrenched with power. The death of Ranjit Singh commenced the disintegration of Sikh power. No one capable enough was there to forge unity among the rulers of Khalsa. The British seized the opportunity and penetrated into the North-Western region with the acting co-operation of Gulab Singh. The Sikhs were defeated in 1846 in the war with Britishers. Gulab Singh became for the time the most important person in the Lahore State. The concrete evidence of Gulab Singh's perfidy became manifest when Gulab Singh was deputed by the British to settle peace terms with the defeated Sikh power. Accordingly, baseless and false deeds were formulated together by Gulab Singh and Britishers in their own interest and the decisions were tactfully imposed upon the defeated Sikh government in Punjab.

The British after having achieved the chief objective of dismemberment of the powerful Sikh state of North India, obliged Gulab Singh under the 'Treaty of Amritsar' for his

adherence to the British interests. The 'Treaty of Amritsar' was concluded in Amritsar on 16th March, 1846. Strong vigil over his conduct of affairs and on the trans-Himalayan frontiers however, could be achieved by laying such conditions in the Treaty.

M.S. Pampore, while analysing the reasons and effects of the 'Treaty of Amritsar', puts forth the views of some eminent persons.[1] He quotes Robert Thorp to have openly declared about the sale of Kashmir as:

- The sale of Kashmir by British shall ever remain a black bolt on their character and integrity. Posterity shall never pardon the then British rulers of India for selling a nation for some pieces of silver. (R. Jhore, Kashmir—Mis-Government, p. 17).
- It is clear that Kashmir was a reward to the traitor for his perfidy and Gulab Singh was the only man to whom it could well be handed over (Cambridge History of India, Vol. V., p. 552).
- It is not a fact that only the Sikh kingdom of Punjab was destroyed though treachery, but the state of Jammu & Kashmir was obtained through sale, resulting in the slavery of Northern India (Sardar Budh Singh, Jagir Shahi—Post mortem).

Gulab Singh, after acquiring the sale of Kashmir from the East India Company for a sum of Rs. 75,00,000 became naturally anxious to acquire its possession. He was alarmed by the volatile reaction of the local population against yet another phase of slavery. Gulab Singh moved his troops to Kashmir to take its possession from Sheikh Imam-ud-Din, the last governor of the Sikh rule in Kashmir. In view of the stiff resistance put forth by the Sikh, aptly supported by the Hill Chiefs, Gulab Singh sought the help of the Britishers to overcome the resistance. Before the joint campaign of Gulab Singh and British army, Imam-ud-Din offered no resistance. Gulab Singh, entered Srinagar on 9th Nov., 1846.

Dogra Atrocities

The people of Kashmir particularly Muslims, who constituted 95% of the population suffered immense, from the Dogra rule. It was a feudalistic type of political system, wherein the ruler at the top, invested within himself all the sources of power—legislative, executive and the judicial.

Maharaja declared himself owner of all lands, forests and mountains and the people were deprived of their hereditary ownership and occupancy rights on their land. Their right to sell, mortgage or transfer their land was ceased and they lived as his subjects in the capacity of tenants, for which they paid land revenue to him.[2] The peoples resentments to such unreasonable measures, were vigorously suppressed by the rulers. It were the complaints of this ruthlessness that Henery Lawrence, the then President and Agent to the Governor General at Lahore was sent by the Britishers to Kashmir to verify the facts. He warns the Maharaja that the British Government cannot tolerate tyranny in Kashmir and if such atrocities were repeated, the latter might think of making some different arrangements for the protection of the Hill people.[3]

Gulab Singh's greed for money is well known. He was the kind of man, it is said, who would pay attention to anyone in a crowd if he held up a rupee and shouted 'Maharaja a petition'. Gulab Singh consolidated his position by spreading terror in the land. The corrupt system of the Government and the rule of money-lenders squeezed the poor population. The institution of Beggar was the most cruel practice and forms of oppression established by the dogra rulers to terrorise the population and keep them in submission. The misfortune of innocent Kashmiris in the form of Beggar imposed upon them did not only hurt the pride and dignity of the already crushed peasants, but also accounted for the loss of immense manpower due to cold and starvation. Under the practice, thousands of people village after village were picked up and ordered to carry loads of grains or other essentials to the frontier areas without being paid any compensation for the labour. Any refusal amounted to death.

The absence from their fields used to bring the agricultural activities in the respective areas to stand still, causing much loss to the peasants as well as the state.

The industrial sector was in shambles. The shawl workers were poverty stricken. Inspite of the fact, that the shawl and silk weavers were the lowest wage earning class, they were simultaneously squeezed through direct taxes. In 1847 the shawl weavers struck work and about four thousand of them fled the valley. The shawl manufacturers paid tax both on raw material as well as on the finished product. Gulab Singh's tax payers included grave diggers, porters, manual workers, boatmen, basket makers. In fact, hardly anyone escaped the cruel clutches of his taxes. Peasants were taxed in kind for Maharaja's quests and for the maintenance of temples. He sucked virtually the blood out of the veins of Kashmiris. Meanwhile, the British intervention in the internal affairs of the state increased because of the complaints[4] received by them about the oppressive rule of the Dogra rulers. They sent in 1884 Leynell Taylor, a British Officer based in Lahore to verify the grievances of the people. He was, however, misled and made to believe that nothing was wrong by the rulers with the help of some local muslim stooges.

Ranbir Singh ascended the throne of Kashmir in 1856 after Gulab Singh. He continued to follow the footsteps of his father. At the same time, he remained hand in glove with the British imperialism. He proved to be a dedicated well-wisher of Britishers during the uprising of 1857 and presented the British with cash and kind to help them suppress the revolt. He was conferred by the British with the title 'Star of India' in recognition of his services in crushing the freedom fighters.[5]

Ranbir Singh annexed Gilgat in 1860 after he found that the Sikh control over these far flung Northern areas has diminished. Meanwhile British Government sought the posting of British Resident in Kashmir, for, they suspected Ranbir Singh of forging closer contacts with the Russian Government after former's occupation of Gilgat. The British agent in Kashmir came to be called officer on special duty on the request of Ranbir Singh. But Ranbir Singh was at the same time directed by the British

Government to improve the position of the designate officer so that he was able to perform his functions in a more efficient manner.

Ranbir Singh Dogra distributed the cultivable land of Kashmir among the Kardars, who vested with vast powers would arrange cultivation of the estates through tenants. Shakdars were posted in every village to keep a watch on the crop. One third of the crop was claimed by the state forcefully, leaving the peasant starving and helplessly exploited.

Robert Thorpe, in Kashmir Mis-Government, a book composed of the articles on Kashmir, which he wrote to expose the misrule of the ruler, blames Britishers of putting the innocent Kashmiris at the hands of the butcher of the humanity. He complaints that towards Kashmiris, we have committed a wanton outrage, a gross injustice and an act of tyrannical oppression, which violates every human and honourable sentiment, which is opposed to the whole spirit of modern civilization and in direct opposition to every tenant of the religion we profess.

The obnoxious practice of forced labour 'Beggar' continued to be imposed more severely during Ranbir Singh's rule. Village after village were compelled to leave their fields to carry military supplied on their backs across the snow clad mountains to Gilgat. Robert Thorpe explaining the horrors which the poor peasants had to face enroute mentions, "No imagination is powerful enough to realise them (the horrors), the waste hopeless aspect of the unbounded stretch of snow, the intensely keen blast of wind which strikes you with the force of an eagles wing as it sweeps down upon you through the ravines above or around you are snowy peaks and summet and precipitous slopes of rocks, upon whose edge sits the avalanche waiting for its prey. Through such scenes, heavily laden peasants take their way ..... slowly the conviction fastens upon them that they shall never quit those frightful solitudes, never again see their homes, far off in the sunny valley of Kashmir." Gilgat meant death to hundreds and frost bite for the rest. Those who were lucky enough to see the return back were physically and mentally wrecks.

Over taxation, poverty, disease, grief gave birth to social evils. Prostitution and sale of girls came to be encouraged by the rulers. The marriage of such destitute beings was not permitted by the government, lest the government would loose revenue, which it collected through this trade in flesh.

Cow slaughter was considered to be the gravest of the crimes, which the human beings can commit. Cow slaughter carried a punishment of death during Gulab Singh's time but to give it a humane face, because of pressures from British Government, it was changed into life imprisonment. A person suspected of killing cow was imprisoned in chains, his family mercilessly flogged, tortured. There were cases of men being boiled in oil for killing a cow.[6] In 1920, of the 117 prisoners[7] in Kashmir jails, 97 were held for cow slaughter.

Dogra rule carried misery, starvation and injustice for the subjects and privileges and profits for the rulers and the administrators mostly Pandits and Hindus. Oppression over the majority community was the order of the day, from top to bottom cadres of administration. The poor people were harassed, terrorised and fleeced by a police man to an attendant Pandit clerk.

During Ranbir Singh's rule, the condition of the Kashmiri artisans deteriorated to the lowest ebb because of their exploitation from all quarters. The shawl maker earned only disgrace and starvation. After putting-in hard labour, he was not able to earn for his family two times bread. Over taxation, under payment, epidemic, half blindness resulting from conditions of work, restrictions imposed over his changing of profession, reduced the shawl weaver to a position, where only death was the alternative to release him from the bondage of persecution. Exasperated and humiliated, the shawl weavers accompanied by people from all walks of life organised a march in April, 1865 to apprise the authorities about their miseries. They raised anti-government slogans and burnt the effigies of Pandit Raj Kak, the incharge of the shawl Department. The Dogra Governor misled by Pandit Raj Kak about the intentions of the processionists, decided to crush the march enroute to Governor's residence. The

marchers were stopped at Zaldagar and fired upon. A stampede followed. Hundreds of marchers suffered major and minor injuries. Twenty eight died on the spot. Persecution of imprisonment of leaders suspected of having a hand in the uprising followed. The Dogra atrocities over the Kashmiri Muslims increased further.

Maharaja Rambir Singh followed an open discriminatory policy towards the local muslims. They were discouraged from acquiring literacy. It is because of it that muslims in Kashmir remained illiterate for a longer period of time. Naturally, illiterate muslims had nothing to do with the administration and government jobs. The high positions of authority were occupied by the Dogra Rajputs and the administration was run by outsiders mostly Punjabis. Few Kashmiri Pandits also enjoyed the fruits of administration. The muslims existed nowhere. The military service remained exclusively reserved for Rajput community. The issue of armed license was limited to Hindus. In his uttermost fit of hatred, a number of historical places bearing the names depicting the glory of muslim period were changed. Takht-i-Sulaimani, a mount in Srinagar was re-named as Shanker Acharya. Islamabad town got the name of Anantnag. Businessmen, from Punjab were encouraged to settle down in Srinagar city. The place was named as Ranbir Gunj (Maharaj Gung). The traders were also encouraged to settle down on either side of the Amira Kadal Bridge. A portion of the Sarai-Bala area in Srinagar city was named as Maharaja Bazar and traders from outside also settled down there. In this way, the monopoly of outsiders on the trade was ensured completely.

In 1882, a state council was appointed with an advisory role in financial and administrative matters. This was in response to the pressure putforth by the British over the ruler to follow more pragmatic policies towards the subjects. Nevertheless, the council was never in a position to perform its role in an unbiased way as most of the administration and the financial departments were solely manned by Pandit community. They found continuation of reign of repression over the majority community to their utmost like and interest.

In 1885, Ranbir Singh Dogra died. His place was taken over by his eldest son Pratap Singh. Then followed a rule of 40 years of Maharaja Pratap Singh. By this time, however, the sovereign character of the state had got fully exposed. The British, in the name of introducing reforms in the administration, suggested the appointment of a powerful Resident in the state in place of their officers on special duty. Sir Oliver John, was the first British Resident in Kashmir. Besides, keeping an eye on the day to day administration of the state, he looked after the British interests in the state. His two decades stay was followed by Plowden, Parry Nisbet and Young husband as Residents in Kashmir.

Britishers had developed a distrust of Pratap Singh with respect to his connections with the Czarist regime in Russia, who bordered the Northern territories of Kashmir. Their efforts to annex the state on this very ground, irrespective of the repeated denials of Pratap Singh about his alleged connections with the Russians, did not materialise owing to strong resentment by the ruler and the leaders in British India. Nonetheless they almost reduced the position of the Dogra ruler to a nominal head.

Pratap Singh's reign is remembered for a landmark venture, the land settlement of the valley. Mr. Wingate, a British civil servant was appointed by the British for the job in 1887 on a request by some affluent Kashmiri muslim, who happened to have some interest in the land. Mr. Walter Lawrence, took up the unfinished work of Mr. Wingate in 1889 and completed the job by 1893. Distinguishing features of the settlement included, occupancy rights of the land, the reforms in the system of collection of revenue, abolition of forced labour.

Mr. Lawrence, however, disagreed with the rule 10 of the elaborate draft submitted by Mr. Wingate that the 'occupant, under conditions here after provided, will have the right of sale, mortgage or transfer'. He considered it dangerous even though restricted by the conditions of Rule 34, which restricted the right to sell, mortgage or transfer. It lays 'persons holding land at full settlement rates and upon the occupancy tenure, may sell, mortgage or transfer the land to any person who belongs to the cultivating class i.e. who is a bonafide cultivator, without sanction'.

By Rule 35, sale, mortgage or transfer to non-cultivators is null and void without the sanction of Darbar, to be obtained through an officer specially constituted for this purpose.

Mr. Walter, while agreeing with Mr. Wingate that 'permanent occupancy rights should be bestowed on every man who at settlement agrees to pay the assessment fixed on the fields entered in his name in our settlement papers, and so long as the assessment is paid such occupant should not be liable to ejection, he believes that the occupancy rights should be hereditary because:

> "It must be remembered that the proposal to confer rights of sale or mortgage on occupants is an innovation. I have myself come across cases where whole villages have been sold for paltry sums of Rs. 50 and Rs. 60. It has made me feel strongly that 'Kashmiri cultivators do not yet understand the value of land or rights in land. I fear, therefore, that the right to sell or to mortgage land would be the signal for extensive alienations; and that in a few years large properties would be acquired either by officials or by the more influential Musalman Lambardars', he strongly, pleads to the state, 'to avoid, as far as possible, the creation of middlemen, and regarded the proposal to give the right of sale and mortgage to ignorant and inexperienced cultivators as the surest way towards the creation of middlemen'. The natives, as they are, ignorant and very shortsighted, poor they would most certainly squander the wealth which would at once be handed over to them. If the state now gives the right to sell and mortgage the occupancy right and in the end, injure the Musalmans of Kashmir".

It is felt[8] that, probably Mr. Walter was in the grip of a stiff opposition from the landed aristocracy of Maharaja. The feudatories in Jammu & Kashmir came from Hindu communities who would not like to disturb the feudatory system of land.

The total expenditure on settlement amounted to Rs. 3,37,010. Nevertheless, the amount, points out Mr. Walter,[9] appears to be far less, when compared to the gain it was to provide to the state as well as the Natives. The large increase of revenue which can be gained from the amount of waste land which has been cultivated and will year by year be added to the

revenue roll, the fact that revenue demand is now a reality and not, as it was before, a shame, that regiments are no longer required for the realization of revenue, and that the collections come to the state treasury instead of going into the pockets of middlemen, does itself speak volumes about the settlement work.

After settlement, opines Mr. Walter, Kashmir is now more prosperous and more fully cultivated than it has been before. The deadly cholera of 1892 and the disastrous floods of 1893 have done their worst, but the affected villages survive, damaged, but not broken, and the rent roll remains unimpaired. The agriculturist, who used to wander from one village to another in quest of the fair treatment and security which they never found, are now settled down on their lands and permanently attached to their ancestral villages. The revenue is often paid up before the date on which it falls due. Whereas in 1884, it was necessary to maintain a force of 7,429 soldiers for the collection of revenue, now the tehsil chaprasi rarely visits a village. The more serious evils of Beggar have been removed and the cultivator has ample time to look after his fields. The annual dread that sufficient foodgrain would not be left for the support of himself and his family has ceased. If the conditions of the settlement were faithfully observed, there will occur a great change not only in the cultivation and development of the country, but also in the character and honesty of the people, Opines Mr. Walter.[10]

In September, 1890, the road from Baramulla to Kohala (Jhelum Valley Road) was opened to cart traffic. It went a long way in improving the trade and communication between Kashmir and rest of India.

The British mistrust of Pratap Singh's intentions, made them to further tighten their grip over the administration. A four member council composed of Raja Amar Singh, Raja Ram Singh, Pt. Souraj Koul and Bhag Ram (All Hindus) and such other members as might be added from time to time by the Government of India was established, and was made responsible for the internal administration of Jammu & Kashmir, under the

over all control of the British Resident. Pratap Singh's position was reduced to a mere no-entity. However, in 1891, Pratap Singh was made the President of the Council which continued to remain responsible to the British Government.

So far as the education policy of the predecessors of Maharaja Pratap Singh was concerned it was discriminatory towards the majority community. British missionary had set up a school in Srinagar, but mostly Hindus would receive education there. Besides, the hurdles putforth by non-Muslim staff in the school in the path of education of muslim boys. Muslims themselves had inhibition in putting their children in the missionary school for fear of their conversion.

It was by 1890's that Maulvi Rasul Shah, a religious leader established a primary school by the name of Islamia School for the benefit of the Muslims, in Srinagar. Later one, its status was raised to middle, it began to receive aid in grant from the Government. With the passage of time, it became the nerve centre of Muslim education in Kashmir.

Insignificant medical facilities, improper sanitation and consequent calamities like epidemics, floods and famines continued to take toll of life and property during Pratap Singh's rule also. 1888, 1892, 1902 are recorded as fatal years in these respect. Nevertheless, people were helped and saved by missionaries in a big way at such critical times.

So far as trade and industry during Pratap Singh's rule is concerned, it continued to reel under dark shadows. The shawls for which Kashmir was once so famous became practically extinct. The poor workmen would derive from his labour hardly sufficient to keep himself alive. The art manufacturers in short, would bring profit to a few middlemen (whom Mr. Lawrence calls 'Sweaters'[11] of most pronounced type) but no wealth to the working class. Nevertheless, the agricultural working class appeared to have improved. Writes Lawrence, the agricultural classes cultivated merely for subsistence and were happy if they struggled through the year with a minimum of hungry days. Profits from agricultural were taken by official middlemen, and the cultivator made no effort to improve or extend cultivation or

to obtain a surplus which would be available for the purchase of comforts or luxuries. But not this has changed and at present, agricultural population does secure a balance after supplying the needs of life and meeting the state's revenue demand. Mr. Lawrence suggested that this balance must find its way into trade.[12]

Maharaja Pratap Singh's powers were again restored in 1905 with the dissolution of the State Council. However, in the alternative arrangement, Amar Singh, the arch rival of Pratap Singh came to be designated as the Chief Minister, who was called to assist the Maharaja. He was simultaneously made also the Commander-in-Chief of the state armed forces.

Amar Singh died in 1909. But the affairs of the state confirmed to remain under the strict control of the British Resident. However, irrespective of all social evils and misgovernment, Pratap Singh took initiatives to promote social and economic welfare of the people. Education remained the chief priority. Aids were granted to Islamia High School and other Islamic educational institutions. Scholarships were granted to deserved muslims students in high, middle and primary schools. Muslims were appointed as school inspectors. Holy Quran came to be taught in the schools of Srinagar. All such measures had a very solid effect. The number of Muslim students increased. The Muslim representation in the administration began to grow.

The decade of 1910-20 witnessed great development in the world strategic environment. The world war 1st and the Socialistic Revolution in Russia were the two great events. The Britishers already suspicious about the loyalty of Pratap Singh, further felt need to tighten their grip around the ruler in Kashmir. A new state council came to be constituted in 1922, with Hari Singh, the twenty seven year old son of Amar Singh as one of its senior members. A year later, Pratap Singh had to renounce his position as President of the Council under pressure in favour of Hari Singh. In 1925, Pratap Singh died in dismay. Hari Singh succeeded him as the ruler of Kashmir.

Hari Singh was a man tailored in and tuned to British tastes. Living in his own created world of comforts and luxury, he had no personal contacts with the subjects, who for centuries had been living in condition of political, economic and social deprivations created for them by alien rulers.

The efforts of Sir Albion Benerji, a Bengali Christian civil servant, who served as the foreign and political Minister of Maharaja to rectify the things, did not bear fruit. In the disgust he resigned in March, 1929. He charged the rulers to have been pursuing a discriminatory policy towards the population, keeping them deliberately illiterate and making them labour under utmost poverty and low, economic conditions.[13]

Soon after the Benerji episode, emerged an association called 'All Kashmir Social Upliftment Association' under the guidance of a young and dedicated person Ghulam Nabi Gilkar, to arouse social upliftment among the Muslim masses of Kashmir. It was followed by the formation of Reading Room Party, set-up in the house of Mufti Jalal-ud-Din at Fateh Kadal, Srinagar. In appearance, its aim was to create a forum wherein to discuss the religious matters and books on general interest. But inherently, its objective was to create a political forum and to arouse a sense of political conscience among the Muslim masses. Gilkar's Association merged with the Reading Room Party. Now its membership included such prominent figures as Molvi Abdul Rehman, Khaja Ghulam Ahmad Ashai, Mirwaiz Hamadani, Mufti Jalal-ud-Din and Sheikh Mohammad Abdullah, a young man, the first post graduate Kashmiri from Aligarh Muslim University. Reading Room Party soon came to be organised and Sheikh Mohammad Abdullah became its first Secretary. Soon after its establishment of contacts with the Lahore Press, Articles on situation in Kashmir, began to appear in the press.and the misrule of Maharaja came to be exposed.

The efforts towards organising a political platform to earn rights continued. Yet another organisation 'Muslim Young Men's Association' appeared with the objective of securing the rights of people. Once again Sheikh Mohammad Abdullah

became its Secretary and Khawja Ghulam Ahmad Ashai its President. Encouraged, the Muslims of Jammu also created 'Young Men's Muslim Association of Jammu' with the identical objectives of its counter part in Kashmir. Both of them collaborated with each other in exposing the misrule of the ruler.

It was during this time that certain events took place that were strong enough to act as oil in the fire. They proved enough to raise the local Muslims from their political hibernation and forge a sense of unity among them to fight the repressive measures of the rulers. One of the incidents took place in Jammu city in April, 1931, where the Imam of a Mosque was imprisoned under charges of treason for having delivered a sermon directed against the ruler. Another incident of undue interference in religious matters occurred in Jammu again, when the Muslims were stopped from offering Friday prayers. In June 1931, in Jammu jail, a non-muslim policeman was found kicking deliberately a copy of Holy Quran. A similar incident took place in Srinagar, when a few leaves of Quran were found in a public latrine in June, 1931. Young Men's Association of Jammu distributed hundreds of posters in Kashmir against the sacrilege of the Holy Quran. Muslim passions throughout the valley got highly inflamed. A protest meeting was organised in Jamia Masjid where Sheikh Abdullah, who by now had become associated with many associations fighting against the repressive policies, made an impassioned speech and demanded that the guilty be punished.

The defiant attitude of Sheikh Abdullah immediately alarmed the rulers. At the same time it made Sheikh highly popular among the innocent masses. He was served notices by the rulers to desist from such activities. Failing to stop him from indulging in such anti-government activities, his services were transferred to Muzaffarabad, when he refused to obey the government order, he was dismissed from the service. It proved to be a turning point in his career. He plunged into politics whole heartedly and directed all his activities against the Dogra rule. He organised meetings and processions. He assumed the title of Sheri-Kashmir after one of his thunderous speeches,

where he roared against the injustice of the autocratic rule. This title remained with him all his life.

Meanwhile, the persistent demand of the Muslims that their representatives may be allowed to meet the Maharaja so that they submit their memorandum of grievances was accepted. Seven representatives from Kashmir and four representatives from Jammu were nominated. The representatives included Mirwaiz Yousuf Shah, Khawja Ghulam Ahmad Asian, Mirwaiz Hamadani and Sheikh Abdullah and Chowdry Abbas from Jammu.

Meanwhile, a historical event occurred which played a key role, strengthening the resolve to offer any kind of sacrifice while fighting the tyrant. On June 25, 1931 a young man, in a gathering at Khankah-i-Moulla Shrine, a non-Kashmiri Abdul Qadeer from North West Frontier region, made a vehement speech against the Maharaja's rule. In fact he had come to Kashmir with an English Major, claiming to be his butler. Highlighting the repressive measures of the ruler, he said:

> "Muslim brethren, the time has come to meet force by greater force to put an end to the tyrannies and brutalities to which you are subjected."[14]

Qadeer was arrested and charged with treason under section 124-A and 153 of the Ranbir Penal Code. A trial within the closed walls of the Srinagar Central Jail was held. A large number of agitating people gathered outside the premises of Srinagar Central Jail to witness the trial. They had to face the police brutalities and unprovoking firing. Some twenty two demonstrators got killed. They included both men and women. 13th July, 1931 became, thereafter known in the Kashmir history as the 'Matyrs Day'. Every year on 13th July, people rededicate themselves to the cause of freedom.

Meanwhile, government resorted to a display of more repressive policy to overcome the episode. Hundreds of political leaders and activists were arrested and tortured. Hundreds of processions and demonstrations followed.

The situation alarmed the rulers. Prime Minister Wakefield was replaced by Hari Krishen Koul, who employed a carrot and stick policy. On one hand he offered to release the political activists and on the other hand, he let loose a reign of suppression against the people to demoralise them.

Judging the defiant attitude of the people, the Government set free all the political prisoners including Sheikh Abdullah. In a meeting of eleven Muslim representatives, with the Maharaja, the former presented him with a 'memorandum of grievances'. The demands in the memorandum included, a constitution guaranteeing freedom of press, speech, association, equality before law, a representative form of government, a legislative assembly, local self government, reforms in revenue system, adequate representation of Muslims in the services, restoration of proprietary rights of peasants over their lands, eradication of corruption, improvement in educational facilities for Muslims, restoration of places of worship taken over by the government.

Sir Bertrand Glancy, a British civil servant was appointed to head a commission to investigate the Muslim grievances in November, 1931. Rest of the members of the Commission were Khwaja Ghulam Ahmad Ashai, Chowdry Abbas, Pt. P.N. Bazaz and Lik Nath Sharma. The Commission submitted its report in March 1932. Its recommendations included, grant of rights of land to the occupancy tenants, improvement of educational facilities for the muslim children, increase in the number of muslims in the education department as teachers, and as superviser, adequate share to all communities in the government departments, abolition of several taxes, eradication of unemployment by laying out feasible industrial infrastructure, freedom of press, restoration of religious places in government custody to the Muslims, abolition of Beggar etc.

The Muslims were on the whole satisfied with the recommendations of the Commission. They considered it a great improvement over the existing conditions. Some even regarded it, inspite of its short comings, as Magna Carta.[15]

The Hindu's vehemently opposed the recommendations of the commission. They feared that the recommendations are

likely to affect their existing privileged position in the state. The Pandits publicly and privately condemned the recommendations and resorted to agitation 'Agitation For Livelihood' (Bread Agitation) to pressurise the Dogra ruler to withhold the implementation of the recommendations. This further widened the cleavage between the two communities. Pandits founded the 'Yuvak Sabha' and the 'Sanathan Dharam Association', which adopted a narrow communal and opportunist posture.[16]

Towards the end of the year 1931, a rift started developing between Mirwaiz and Sheikh Abdullah. The growing popularity of Sheikh among the masses was exploited by the vested interests by developing mistrust and suspicion in the mind of Mirwaiz about the position of Sheikh. Mirwaiz's family, only till recently, was the most powerful in the valley, but now this position was receding to the second before Sheikh. This naturally created bitterness and personal animosity in the mind of Mirwaiz.

With the acceptance of the Glancy Commission recommendations, the Muslims set up 'All Jammu & Kashmir Muslim Conference' in order to have an mass based political organisation to redress the grievances of the Muslims. Besides, others, Sheikh Abdullah, Mirwaiz Yousuf Shah, Chowdhary Ghulam Abbas, new graduates Afzal Beg, G.M. Sadiq became its activists. In his first presidential address to the Conference in Oct. 1932 Sheikh emphasised that 'the movement was not communal, nor was it directed against any community'. The object of the Muslim Conference was to put an end to miseries of all communities and to secure responsible Government.[17] The party besides adopting a constitution, passed some resolutions demanding freedom of speech, press, representation in services on population basis, reduction in land revenue, in this session. In December, 1932 working committee meet of the party in Jammu, the government was served with an ultimatum to immediately take constructive steps in the direction of redressal of the grievances of the people. The next session of the party was held in Mirpur in December, 1933. Constitution of State Assembly and the implementation of the Glancy Commission report remained the chief objectives to be sought.

Meanwhile, the ego-clash between Sheikh and Mirwaiz further widened and engulfed the whole society. Occasional clashes between the followers of the two camps would usually leave many injured and property plundered. Sheikh Abdullah started establishing contacts with the non-muslim leaders to seek their co-operation to influence on the government to restore the democratic rights of the people. As the President of Muslim Conference, he established a separate platform from Mujahid Manzil and also gained hold over the management of the Hazratbal Shrine, which stood as a milestone in his political career in the latter part of his life.

A vocal section of the Kashmiri Pandits, who were opposed to the Maharaja's aristocracy, were also anxious to see that a progressive form of government is established in the state. Represented by Prem Nath Bazaz, they pledged support to the Sheikh. In the Cheshma Shahi meeting of the two leaders in July, 1932, they resolved that Kashmir freedom struggle will be conducted on secular, progressive and democratic lines.[18] The two continued to keep in close contact with each other. They jointly started a weekly by name of 'Hamdard' in 1935 to propagate the popularise progressive nationalism.

In pursuance of the Glancy Commission recommendations, a legislative assembly consisting of 75 members was constituted. Out of 75 members, only 33 members were to be elected and 42 to be nominated. Right of vote was kept strictly limited to a small privileged section of the community comprising of landed aristocracy, Imams of Mosques, Mufties, Prohits of temples, granthis of Gurudwaras, Priests of Churches, retired pensioners, Doctors, Hakims, Vaids, Lawyers, Teachers, men and women who had passed middle standard and those who possessed immovable property. It accounted for merely 3% of the population. It was a crippled assembly with Maharaja retaining all the legislative powers to himself besides enjoying the veto power. The first session of the Assembly was held in Oct. 1934.

In the third annual session of the Muslim Conference at Sopore in Nov. 1934, the demands for a wider franchise and more powers to the Assembly were raised. In the fourth annual

session of the party at Pather Masjid, Srinagar in Oct. 1935 and appeal was made to the non-muslims to come forward to join hands with the party so as to get rid of the 'irresponsible government' for a 'responsible one'. The meeting was attended, besides others by prominent non-muslim leaders such as Prem Nath Bazaz, Kushp Bandu, Jai Lal Kilam and Sham Lal Saraf. In the fifth annual session at Poonch in May 1937, similar demands in content were made. In the 1938 elections to the assembly, all the 21 muslims seats to the assembly were won by the Muslim Conference.

By late 1930's Sheikh Mohammad Abdullah had risen to a position which was far ahead to Mirwaiz in popularity and fame. His secular outlook brought him into the attention of Pandit Nehru.

Sheikh-Nehru friendship got cemented in early 1938 when Sheikh visited North Western Frontier province in company with Nehru. Nehru advised Sheikh to make his organisation more broad based irrespective of any consideration of religion or caste, more or less to make it work on the principles laid down by Indian National Congress.[19] Through Nehru, Sheikh cultivated liaison with other prominent leaders of Indian National Congress. He desired to see his own movement Muslim Conference as an extension of the Indian National Congress in Jammu and Kashmir.

As the rift in Muslim Conference further widened due to the secular outlook displayed by the Sheikh and his followers, a fatal blow came to be struck to the unity of the Muslims in the state. Sheikh in the sixth annual session of the party at Jammu in 1939, advocated change-over from 'Muslim Conference' into 'National Conference' on the grounds of secularisation of freedom struggle. He pointed out that it is not only muslims but all the communities such as Hindus, Sikhs, down caste, Buddhists that are affected by the present set up of administration. The stress, therefore, need to be given to change nomenclature of the present organisation to keep the door open for non-muslims also to join the struggle for attaining responsible government.[20]

The resolution in this regard were endorsed by the General Council of the party in April 1939. With the transformation of Muslim Conference into National Conference the doors of the nationalist platform were thrown open for everybody under the leadership of Sheikh Mohammad Abdullah.

Keeping in view the apprehensions of delegates about the future alignment of the party it was declared that the organisation would altogether keep itself away from any interference from both the Indian National Congress and the Muslim League ideologies. National Conference in its first session at Anantnag, in Oct. 1939 adopted the party flag, red in colour with a white plough inscribed in the centre. Mirwaiz Yousuf Shah, did not associate himself with the new organisation. Chowdary Abbas preferred to wait and watch the working of the party closely.

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Chapter 5

The Struggle for Independence:
An Ideological Polarisation (1939-1947)

The secularisation of Kashmir politics created close links between the National Conference and the Indian National Congress. In Oct. 1939, session, National Conference appreciated the Congress policy towards the war. In the course of his speech, Sheikh Mohammad Abdullah particularly spoke in praise of the leadership of the Indian National Congress.[1] The secular character of the political developments in Kashmir was not missed by the Congress party's leadership, which regarded the religious colouring in the earlier movement as only natural and not a cause of concern or a reason for viewing the Kashmir movement with any doubts.[2] Jawaharlal Nehru appreciated and encouraged this secularist trend in Jammu & Kashmir politics when he declared in Feb. 1939. As a matter of fact, the two movements progressively developed on National lines and in Kashmir, I am glad to say a number of wise and far-seeing Hindus and Sikhs threw their weight on the side of popular movement and supported the 'National Demand' which asked for responsible government.[3] This ideological polarity between Congress and the National Conference brought together the two like minded organisations. Nehru's support to the Kashmir movement at this time was well calculated. He had already understood the taste of Sheikh Abdullah and tamed him accordingly, away from the shadow of Muslim League politics advocating the cause of Muslims.

The secularisation of Kashmir politics upset the balance of political forces in the state. The government of Maharaja felt threatened. The conservatives in the party also could not sit silent. Failing to receive any satisfactory response, the rift between the two sections sharpened day after day and finally Ghulam Abbas, with his followers mostly Jammu Muslim leaders left the National Conference. This parting occurred because there was no meeting point between the ideologies of the defeated leaders and that of the National Conference. The former joined Mirwaiz Yousuf Shah and revived the old 'Muslim Conference' Chowdary Abbas was elected as its leader.

In 1940, Pt. Nehru visited Kashmir on the invitation of National Conference. The party accorded him a very warm welcome. Although National Conference was left open to all sections of the society, but it could capture the interest of only a nominal proportion of Hindus and Pandits. Many a few of them still ridiculed Sheikh's nationalist creed and termed him as a communalist. Pandit leaders like Jia Lal Kilam, Kashap Bandhu resigned accusing him of mixing religion with politics. Bazaz followed them.

It was in Sheetal Nath Temple in Srinagar, that Nehru again advised non-muslims to follow Sheikh and strengthen his hands against the conservative and communal forces'.[4]

The Muslim League was emerging as a strong force representing the Muslims of the subcontinent. It had already passed the Pakistan Resolution in Lahore on 23 March, 1940. However, the nationalist leaders of the state were quite uncertain about the future geo-political position of the Kashmir.

Under such circumstances, both the National Conference and the Muslim Conference offered an invitation to Mohammad Ali Jinnah to visit Kashmir and advise about the future course of action.

On arriving in Srinagar (May 1944) Mr. Jinnah was offered a royal welcome both by National Conference and Muslim Conference. On 17th June, 1944, he delivered a historical speech at the annual session of Muslim Conference in Jamia Masjid, Srinagar. He appealed to Muslims of the state to put forth a

common stand and raise a common voice and unite under one flag of Muslim Conference.[5]

This advise of Mr. Jinnah to the Muslims of the state to organise themselves under one flag and one platform of Muslim Conference was unacceptable to Sheikh Abdullah. To counteract it, National Conference started immediately a mass contact campaign to explain its position. On occasions the two factions representing the people of the state used foul language against each other. While Mr. Jinnah called National Conference a party of gangsters, Sheikh Abdullah advised him to leave the state people to their own fate, lest he would expose him.[6] He asked Mr. Jinnah to give up habit of interfering in state politics or he will feel it difficult to go back in an honourable manner.[7]

Around the same time Nehru along with his associates arrived in Kashmir to grace the annual session of National Conference. They were welcomed with a massive public reception. A splendid boat procession on the Jhelum, a traditional and most popular method of welcoming the guests in the state was arranged.[8]

In the welcome address Budshah Khan called Sheikh a 'gift of God' and advised people to follow him or otherwise they will lose track.[9] Nehru pledged support of Indian National Congress to the fight against autocratic rule in the state. He advised non-muslims to join National Conference in large number to achieve the objective.[10]

Subsequently Nehru appointed Sheikh Abdullah as Vice President of All State Peoples Conference, he himself being its President. Hari Singh arrested Sheikh Abdullah, while enroute to Delhi. Nehru too was detained, when he came to get Sheikh released.

New Kashmir Manifesto

It was in the background of such political developments that National Conference adopted 'Naya Kashmir Programme', at its Sopore session on 29-30 September, 1944. The programme not only appeared as a constitutional blue-print of a sovereign state looking after its own defence and external affairs,[11] but also

contained a radical socio-economic programme. By 1943, there had emerged a big group of CPI Progressives in the National Conference who were able to influence its future strategy in a decisive manner. In the formation of 'Naya Kashmir', the experience of the Soviet Union was in the main inspiration. Sheikh Abdullah, for example wrote in its introduction, 'In our times, Soviet Union had demonstrated before our eyes not merely theoretically but in her actual day to day life and development that real freedom takes birth only from economic emancipation.[12] The 'Naya Kashmir' manifesto spelled out 'peasant charter', 'workers charter' and the 'the women charter' etc. It is only in this context that the sweeping land reform between 1947-50 can be understood.

Meanwhile, National Conference accepted a place in the Cabinet offered by the Maharaja.[13] It soon, however, became apparent, that there was not much that a popular Minister could do in a cabinet which was unrepresentative as a whole. The situation deteriorated considerably when the post of the state Prime Minister held so far by an eminent Indian Judge B.N. Rao, was given in June 1945 to Ram Chand Kak, a local bureaucrat deploying an authoritarian temperament. The situation now was becoming ripe for a full-fledged popular struggle against the despotic rule. Accordingly, in one of the resolutions, the National Conference pleaded for the 'right of self determination'. The resolution was supported by Jawaharlal Nehru.

Quit Kashmir

The movement launched by the National Conference in May, 1946, had its slogan 'Quit Kashmir' meaning that the autocratic Dogra rulers should surrender power to its 'real owners' the people. In a memorandum 'the quit Kashmir memorandum' to Cabinet mission the party among other things demanded absolute right to freedom from the autocratic rule and the establishment of a responsible government. Launching this struggle for a decisive victory National Conference on 15th May, 1946 reiterated at Srinagar, the demand that the princely order should quit the state is a logical extension of the policy of

'quit India'. When the freedom movement demands complete withdrawal of the British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people. The time has come to tear up the treaty of Amritsar. Quit Kashmir is not a question of revolt. It is a matter of right.[14]

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Chapter 6

Internalisation of Kashmir Issue (1947-1953)

The 'statement' made by British Prime Minister, Mr. Clement Attlee, in the House of Commons and by the Secretary of State, Earl of Listowel, in the House of Lords on 3rd June, 1947 and published in India on the same day, is commonly known as the 'partition plan'. It envisaged the creation of two dominions of India and Pakistan. As regards the princely states, the statement read:

> "His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy towards Indian states contained in the Cabinet Mission Memorandum of 12th May, 1946, remains unchanged".[1]

The operative part of this Memorandum with regard to future British policy towards the princely states stated:

> "When a new fully self governing or independent government or governments come into being in British India, His Majesty's Government's influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy. Moreover, they can not contemplate that British troops would be retained in India for this purpose. Thus, as a logical sequence and in view of the desires expressed to them on behalf of the Indian states, His Majesty's Government will cease to exercise the powers of paramountcy. This means that

> the right of the states which flow from their relationship to the crown will no longer exist and that all the rights surrendered by the states to the paramount power will return to the states. Political arrangements between the states on one side and the British Crown on the other will thus be brought to an end. This void will have to be filled either by the states entering into a federal relationship with the successor government or governments in British India or failing this, entering into particular political arrangements with it or them".

After the acceptance of the statement of 3rd June, 1947 (Partition Plan) by the two principal parties of British India, namely; the Congress and the Muslim League the British Parliament, in order to set up two independent dominions of India and Pakistan, passed Indian Independence Act on 18th July, 1947, which was enacted on the same date after consent by the British Crown. In regard to the states, the Act stated:

> As from the appointed day (i.e. 15th August, 1947) the Suzerainty of His Majesty over the Indian states lapses and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian states, all functions exercisable by His Majesty at that date with respect to Indian states, all obligations of His Majesty existing at that date towards Indian states or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by his Majesty at that date in or in relation to Indian states by treaty, grant, usage, sufferance or otherwise".[2]

The Cabinet Mission Memorandum of 12th May, 1946 and the Indian Independence Act of 18th July 1947 lead to conclusion that the suzerainty and paramountcy of the British Crown over the princely states lapsed on the 15th August, 1947 i.e. from the appointed day of the transfer of power and the rulers were practically free to decide in what ever way they liked after that date. This meant that on the one hand, they had also been granted independence and sovereignty as was the case with the newly established dominions of India and Pakistan but on the other hand, it was made incumbent upon them to join either of the federation or to enter into particular political arrangement

with one or the other dominion. As regards the criteria to be followed in this regard, it was established that 'normally geographical situation' and communal interests and so forth will be the factors to be considered.[3]

The leaders of the two camps accordingly resorted to a feverish activity to get the rulers of these states to accede to their respective nations by appealing to their patriotism or exerting pressure, coercion and even the use of the force. But 15th August, 1947, most of the princely states except Junagarh, Hyderabad and Jammu & Kashmir, joined either of the two dominions. The Muslim ruler of the predominantly non-muslim population of Junagarh acceded to Pakistan but had to flee when the state was run-over by the Indian Army. Similarly, the Muslim ruler of Hyderabad populated predominantly by non-muslims wished to stay sovereign but was forced to accede to India by the Indian Army action of June 1948. It was in this environment of monumental changes in the political landscape of this sub-continent that the problem of future status of Jammu & Kashmir arose.

Here was a state with the biggest area kin India, a population predominantly muslim, ruled by a Hindu Maharaja. Nehru in a comprehensive note 'Note on Kashmir' sent to Lord Mountbatten on 17th June 1947, specifically outlines the strategic importance of Kashmir for India and claims that it should join India. Similarly Jinnah, considering the vitality of Kashmir for Pakistan, reminds Maharaja of the Muslim majority character of the state. However, Maharaja, kept in abeyance the idea of accession, probably on following grounds:

(i) Chowdary Hameed Ullah Khan faction of Muslim Conference was in favour of an independent Kashmir. It urged Maharaja to declare Kashmir as an independent state and frame the constitution of the state according to the wishes of the people;

(ii) Rajya Hindu Sabha extended its support to Maharaja for an independent state;

(iii) Maharaja had personal hatred with Pandit Nehru who had not good relations with the Indian Princes. He had on occasions criticised the princely order; and

(iv) Maharaja displayed a deep anti-pathy for Sheikh, the friend of Nehru, one who had challenged the validity of treaty of Amritsar.

Political pressure on Maharaja by the Congress to accede to India began with the visit of Acharya Kriplani to persuade Maharaja Hari Singh. Kriplani's visit was followed by the visit of rulers of Patiala, Kapurthalla and Faridkot, who also tried to convinced Maharaja to join India as they had decided for their own states. During the month of June, Lord Mountbatten made a trip to Kashmir and advised Maharaja to quickly decide to join either of Dominions after ascertaining the will of the people.

It may here be stated that Congress leaders had become extremely restive and anxious to secure the accession of the Muslim majority state of Jammu and Kashmir. They therefore, requested Lord Mountbatten to use his good offices in this behalf. V.P. Menon's comments deserve special consideration. He write, 'After the announcement of June 3rd plan, when Lord Mountbatten was discussing the policy of accession of the Indian states to one Dominion or the other, he became particularly concerned about Kashmir. Here was a state with the biggest area in India, with a population predominantly Muslim, ruled over by a Hindu Maharaja. Lord Mountbatten knew Sir Hari Singh well, having been on the prince of Wales staff with him during His Royal Highness tour in 1921-22. He accepted a long standing invitation from the Maharaja to visit Kashmir'.

It is a fact that Mountbatten did visit Kashmir from 18th to 23rd June, 1947, possibly at the behest of Congress leaders. If he had visited Kashmir as a result only of a long standing invitation as claimed by V.P. Menon, he may not have involved himself in a political dialogue with Maharaja about the future of Kashmir. The fact is that his mission to Kashmir was in response to Congress leaders plea to secure accession of Kashmir to India from the Maharaja. While defending the role of Lord Mountbatten in relation to future of Kashmir, the authors of 'Freedom at Midnight'[4] reveal that during his meeting with the Maharaja Hari Singh, when he was told by the latter that he does not want to accede to Pakistan on any account, Mountbatten

said, 'Then you must join India. In that case I will see that an infantry division is sent up here to preserve the integrity of your boundaries". The Maharaja replied in the negative and said that he does not wish to join India either but stay independent.

It may be noted here that the offer of sending an infantry division to Kashmir was contrary to the provision of the Cabinet Mission Memorandum which had become a part of the 3rd June Plan. This proves beyond doubt that Congress leadership used Lord Mountbatten to secure accession of the state to India, knowing fully well that it being a predominant muslim majority state, may not concede to the demand for integration with India.

On his return from Kashmir, Mountbatten not only had a detailed discussion with Nehru in regard to Kashmir, but he also sent a detailed report of his Kashmir visit to the British Government. In this report he says:

> "They were both (Nehru and Gandhi) very anxious that he (Maharaja) should make no declaration of independence and should, in-fact indicate a willingness to join the constituent Assembly of India."[5]

On June 28th 1947, Mountbatten again writes to Maharaja and warns him that 'I need not remind you that I have not be power to stop either of these two (Mr. Gandhi and Pt. Nehru) coming up to visit you and so you will have to make up your mind which of the two you would sooner have'.[6]

Maharaja pleaded with Mountbatten not to send any Indian leader to Kashmir and pointed out that, 'inspite of the fact that massacre and arson on an unprecedented scale have raged over the country, there has been no blood shed here'.

Gandhi visited Kashmir in the first week of August, 1947. He met Maharaja and his wife several times. He also met Abdullah's closest associate, Bakshi Ghulam Mohammad. There is no record of the assurances which Gandhi gave to the Maharaja on behalf of Mountbatten, Nehru and Patel. But it is almost certain that one of the assurance which he gave was that Kashmir would get a land link with East Punjab. It may also be mentioned that in his 'Note on Kashmir' referred earlier, Nehru had asked

Mountbatten to get Pt. Ramchand Kak, the Prime Minister of Kashmir who wanted the state to stay independent, removed. Consequently an outcome of Mr. Gandhi's visit was the removal of Ramchand Kak, who was replaced by General Janak Singh, a close relative of Maharaja, as the Prime Minister. Pt. Prem Nath Bazaz comments:[7]

> 'With the appointment of Janak Singh the un-certainty about future of the state was removed and it became clear that the Maharaja and his government no less than the National Conference had lined up with Congress'.

To what extent were the events taking place in line with the Congress-National Conference plan is also evident from the fact that in his last report (16 Aug. 1947) to the British Government, Mountbatten states with confidence:

> 'There are thus no states outstanding beyond Kashmir where the Maharaja has at last decided to sack his Dewan, Kak. He now talks of holding a referendum to decide whether to join Pakistan or India, provided that the boundary commission gave him land communications between Kashmir and India. It appears, therefore, as if this great problem of the state has been satisfactorily solved within the last three weeks of British rule'.[8]

Meanwhile, the Punjab Boundary Commission award was announced. A land link was provided to India to Kashmir. Redcliffe awarded large areas of Muslim population to India, such as those of Gurdaspur, Batala, Ferozpur, Zira, Jullandar, Nakoda, Ajnala and about one half of Kasur. In Gurdaspur district, two contiguous majority tehsils—Gurdaspur and Batala were given to India along with Pathankot tehsil to provide a link between India and the state of Jammu & Kashmir.

On the Award, writes Lord Birdwood:

> "It was Redcliffe's Award to India of the Gurdaspur and Batala tehsils with muslim majorities which rendered possible for India to consolidate her defenses Southwards all the way from Uri to Pakistan border. Had the Gurdaspur district not been awarded to India, India certainly would never have fought a war in Kashmir".[9]

However, the indecisiveness of the ruler apparently continued. Fearing a breakdown of the communication system through Pakistan and the rich export trade with India, Maharaja sought from both the Dominions a standstill agreement to come into effect from August 15, 1947.

The history of standstill agreement is contained in the telegrams exchanged between Prime Minister of Jammu & Kashmir Ramchand Kak on one hand and the Prime Minister of Pakistan on the other. There was a similar exchange of telegrams between the responsible Minister in New Delhi and the Prime Minister of Jammu & Kashmir. While a standstill agreement with regard to her (states) communications, supplies and post and telegraphic arrangements did arrive with Pakistan, New Delhi advised Maharaja to fly a Minister to Indian capital to negotiate such an agreement with it.

Within the state, pressure was mounting over the ruler to clearly speak out his stand. Muslim Conference on 19 July adopted a resolution demanding the ruler to accede to Pakistan. Nationalist Organisations such as All Jammu & Kashmir Kissan Mazdoor Conference, the Kashmir Socialist Party, Communist Party of India, the Democratic Party reiterated their stand demanding states accession to Pakistan on the basis of its geographical contingenty.

On the other hand, Government of India, seeking to speed up the process of accession of the state to India, appointed Gopalaswamy Ayangar, an able but reputedly anti-Muslim, who had been Prime Minister of Jammu & Kashmir from 1937-43, as Minister without portfolio in the Union Cabinet. No less important, the Defence Committee of the Indian Cabinet was formed, of which Nehru, Patel, Ayangar and the Ministers of Defence and Finance formed members. The success in getting Mehar Chand Mahajan, a judge of the East Punjab High Court, who was a member of the Punjab Boundary Commission, as the Prime Minister of Jammu & Kashmir in October, provided a clear pointer that India was all up to secure the accession of the Maharaja towards its side. In his letter dated 8th Oct. 1947, Sardar Patel writes to Nehru:

> 'I am sure things would improve when justice Mahajan takes over the Prime Ministership. He is atleast keenly alive to the dangers which surrounded Kashmir and knows his own mind. I hope there would be an end to the almost fatal indecisiveness which has so far been the bane of the Kashmir Government".[10]

Maharaja, in a bid to win over the support and good will of his restless subjects, released Sheikh and most of his colleagues from jail in Sept. 1947.

On their release, the leaders of the National Conference started negotiations with Maharaja, who was still in the dilemma whether to join India or Pakistan or remain independent. They requested Pakistan not to precipitate a decision upon them, but give their time and their support to the freedom movement of Kashmir. In this connection, one of the leaders G.M. Sadiq, went twice to Mr. Liaqat Ali Khan, the Prime Minister of Pakistan.

While the pressures continued, troubles spread off in the Poonch area, where Maharaja had accelerated the process of systematic persecution of the agitated population. Poonch and Mirpur areas of the state were the home of thousands of demobilized Muslim soldiers of British Indian Army who had fought for the British during the second world war. These demobilized soldiers organised a resistance against the Dogra regime, and soon (Oct. 24, 1947) declared the establishment of Azad Kashmir Government.

Meanwhile, an economic blockade of the state by Pakistan followed, supplies of food, and other essential commodities to Kashmir got cut off. Communications got tampered and free transit of people got hindered.

The Government of Jammu & Kashmir made repeated representations to the Government of Pakistan to lift the economic blockade and stop as it alleged, territorial violation of the state.

When the fighting in Poonch area intensified, many Kashmiris evacuated their families across the border and returned to carry on their fight against the Dogra rule. Many representatives of the rebel forces went to the North West Frontier province to purchase arms from the tribal factories.

Stories of Dogra repression aroused many tribal leaders and tribesmen, mostly Mahsuds and Afridis and they set off in October, 1947 towards Kashmir.

Letters and telegrams were exchanged by the Maharaja of Kashmir and the Governor General of Pakistan on the issue. In one of the telegrams, Maharaja suggests 'an impartial inquiry' adding a rather ominous warning that 'if, unfortunately, this request is not heeded, the Government much against its wishes, will have no option but to ask for assistance to withstand the aggressive and unfriendly action'. On October 15, Maharaja cabled to the British Prime Minister, whom he thought still to be the overall protector of Indian states, about the beginning of the invasion from neighbour in Poonch. He went on to say:

'People all along the border have been licensed and armed with modern weapons under the pretext of general policy which does not appear to have been followed in the case of internal districts of West Punjab. Whereas military escorts are made available for several others purposes, none is provided for safe transit of petrol and other essentials of life. Protests merely elicit promises which are never implemented'.[11]

On the same day, telegram was sent, this time to Jinnah, which contained a large number of complaints against the Government and people of Pakistan. The telegram concluded, 'the government even now hope that you would personally look into the matter and put a stop to all inequities which are being perpetrated. If unfortunately, this request is not heeded, the government fully hopes that you would agree that it would be justified in asking for friendly assistance.[12]

On 23 October, 1947 Meherchand Mahajan, the Prime Minister of Kashmir wrote a letter to Sardar Patel and 'requested for the immediate assistance'.

The extent of panic among the rulers as a result of the armed revolt is confirmed by the statements of Prime Minister of Kashmir, where in he says:

'We are practically working on war basis and every minute of our time is taken up with the border situation which is worsening everyday. Practically the whole of our Muslim

military and police has either deserted or has not behaved in a proper manner'.[13]

On October 24, alarmed by the success of the raiders, an appeal was made to the Government of India for immediate military assistance. The Defence Committee of the Government of India met on 25 Oct., with the Governor General Mountbatten, in the chair to take stock of the situation and the issue of the accession of the state. The Defence Committee held that the most immediate necessity was to rush arms and ammunition already requested by the Kashmir Government. Mountbatten urged that it would be dangerous to send in any troops unless Kashmir had first offered to accede.[14] Mountbatten considered that it would be height of folly to send troops into a neutral states where it had no right to send them since Pakistan could do exactly the same thing. It could only result in armed clash. He, therefore, argued that if indeed they were determined to send in troops, the essential prerequisite was accession.[15] The decision was dangerous and the consequences were disastrous. According to Korbel, 'this decision and the events which it precipitated are responsible more than all else for the character of crisis in Kashmir. As an experienced statesman, gifted with sound judgement, Lord Mountbatten unfortunately in this case suggested a most unwise course of action, 'accession before aid'. Korbel has questioned the part he played in the game in these words:

"As impartial and as correct as was Mountbatten's attitude towards the problem of the accession of the princely states during his Viceroyalty, his attitude and advice in this case, inevitably raise critical questions: Why, for example, did he advise that Indian military assistance to the Maharaja must be covered by the legal technicality of accession? How could he have reasoned that it would be illegal for Kashmir (which was at the time of invasion technically an independent country) to ask for military help from India without preceding the request for accession? He must have assumed that the Pakistan Government would refuse in any case to recognize the legality of such accession brought about without prior determination of the will

of the Kashmiri people. He must have known that if war over this issue were to develop between these two Dominions, it would not be on the basis of the legality of such a method of accession, but rather over the fact itself. Finally, it is most difficult to understand why no one, particularly Mountbatten advanced the most obvious idea—that of immediately getting into contact with the Karachi Government for consultations".[16]

Maharaja fled to Jammu on 26th Oct., 1947 in the evening. He conveyed his formal request for accession and aid to Lord Mountbatten in his letter dated Oct. 26, 1947. One of the passages of the letter read, 'with the conditions obtaining at present in my state and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my state acceding to the Dominion of India. I have accordingly decided to do so. I attach the instrument of accession for acceptance by your Government".[17]

In reply to the Maharaja's letter quoted above, Lord Mountbatten, conveyed the acceptance (27th Oct. 1947) with the following notes:

'In consistence with their policy that in case of any state where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the state. It is my Government's wish that as soon as law and order have been resorted in Kashmir, and its soil cleared of the invader the question of the state's accession should be settled by a reference to the people'.[18]

Mountbatten and Nehru have been given much credit for making the accession of Kashmir subject to confirmation by the Kashmiri people. According to Alan Compbell Jhonson (Mountbatten's Press Attache) at the Defence Committee meeting, Mountbatten urged that in the reply to the Maharaja accepting his accession offer, he should be allowed to add that this was conditional on the will of the people being ascertained as soon as law and order were resorted. This principle was at once freely accepted.[19] It was promise to people of Kashmir, which the Government of India made, but left unfulfilled. A few

hours after the acceptance of the accession of the state to the Union of India, the Indian troops landed in the state.

The provisional nature of accession was reiterated by Nehru in his letter to Mr. Atlee, the then Prime Minister of Britain. Nehru informed him that the question of aiding Kashmir in that hour of emergency was not in any way designed to influence the state to accede to India. India adhered to this promise that the accession was provisional till it would be decided in accordance with the wishes of the people.[20]

A telegram, which Nehru despatched to the Prime Minister of Pakistan on October 31, 1947 reads,

> " ... The people of Kashmir would decide the question of accession. It is open to them to accede to either Dominions".[21]

Jinnah's immediate reaction to the stationing of Indian forces in Kashmir was an order to his acting Commander-in-Chief, General Gracy to follow action. General Gracy instead of carrying out orders, got in touch with Field Marshall, Auchinleck for instructions. Auchinleck flew to Lahore and convinced Jinnah to withdraw his order. Mr. Jinnah accepted the suggestions and also agreed to Auchinleck's proposal for an immediate conference.[22] Neither Nehru nor Patel came to participate in the conference, only Mountbatten reached to Lahore. In the meeting on Nov. 1st, 1947 it was resolved:

(i) The Governor Generals of both the dominions would make an announcement that tribesmen should stop fighting;

(ii) Arrangements to be made to withdraw Indian forces and tribesmen from Kashmir at a time;

(iii) The two Governor Generals of India and Pakistan will establish peace and arrange a plebiscite under the joint administration and supervision.

No follow up action took place, as Nehru was not interested in it. Instead, in a radio announcement on November 2, 1947 the pledged that the fate of Kashmir is ultimately to be decided by the people and there is no question to back-out of this pledge. He showed his willingness that as soon as the law and order will

be established, a referendum to ascertain the will of the people is possible under the auspices of any international organisation.[23] In a historic meeting held at Lal Chowk, Srinagar on 12th Nov. 1947, Nehru reiterated the pledge to the people that their verdict about their future would be final even if it goes against India.

The events took an extra-ordinary turn when on Jan. 1, 1948 under article 35 of the UN Charter, India put the case before the Security Council, charging Pakistan for covertly assisting the tribesmen and other raiders in violating her sovereignty. Pakistan lodged a counter complaint, accusing India of the organised 'genocide of Muslims in East Punjab, Delhi and other places in India, the forcible occupation of Junagarh, and the action taken by India to secure the accession of Kashmir by fraud and violence.

The council met on 15th Jan. 1948 to consider the issue. The exposition of the case convinced the Security Council that the problem was not simply one of expelling the tribesmen from Kashmir as demanded by India. It was one of solving the Kashmir dispute in accordance with the will of the people.

The UN Secretary Council, having heard both parties at length, passed two resolutions. The first of January 17, 1948 asked the parties involved 'not to aggravate the situation but to do everything to improve it'. The second resolution of January 20, 1948 established a mediatory Commission that eventually came to be known as the United Nations Commission on India and Pakistan (UNCIP). The Commission was invested with dual function: (i) to investigate the facts pursuant to Article 34 of the Charter; (ii) to exercise any mediatory influence likely to smooth away difficulties, carry out the directions of the Security Council and to report how far the advice and directions of the Security Council has been implemented.

Between Jan. 22 and Feb. 4, the Security Council held eight meetings on this matter. A number of draft resolutions were put forward by the members. After several meetings a joint draft resolution was produced by the Security Council on April 17, which declared that the situation in Jammu & Kashmir was likely to endanger international peace and security, and,

therefore, the Council recommended the UNICP (now its membership extended to five) to proceed at once to the Indian subcontinent and, there, place their good offices and mediation at the disposal of the Government's of India and Pakistan.

Both India and Pakistan putforth their reservations against the draft resolution. In the words of Indian representative, Mr. Ayyangar, 'it tars us with the same brush and makes us look like the co-accused'. Pakistan also objected to the resolution, and considered that the measures recommended were not adequate to ensure a free and impartial plebiscite. But inspite of the objections from India and Pakistan, the resolution was adopted by the Security Council on April 21, 1948.

The resolution (S/726, 22 April, 1948) submitted jointly by the representatives of Belgium, Canada, China, Colombia, the United Kingdom and the United States of America, adopted at the two hundred and eighty sixth meeting of the Security Council is reproduced as below:

"21 April, 1948
The Security Council,

Having considered the complaint of the Government of India concerning the dispute over the state of Jammu & Kashmir and having heard the representative of India in support of the complaint and the reply and counter complaint of the representative of Pakistan.

Being strongly of opinion that the early restoration of peace and order in Jammu & Kashmir is essential and India and Pakistan should do their utmost to bring about cessation of all fighting. No doubt it is satisfactory that both India and Pakistan desire that the question of the accession of Jammu & Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite.

Considering that the continuation of the dispute is likely to endanger international peace and security".

Re-affirming the Council's Resolution of January 17th, resolves that the membership of the Commission established by

the Resolution of Council of January 20th, 1948, shall be increased to five and shall include in addition to the membership mentioned in that Resolution, representative of—and that if the membership of the commission has not been completed within ten days from the date of adoption of this Resolution, the President of the Council may designate such other member or members of the United Nations as are required to complete the membership of the five.

Instructs the commission to proceed at once to the Indian sub-continent and there place its good offices and mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of necessary measures, both with respect to the restoration of peace and order and to the holding of a plebiscite by the two Governments, acting in co-ordination with one another and with the commission and further instructs the commission to keep the Council informed of the action taken under the Resolution, and to this end.

"Recommends to the Governments of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the state of Jammu & Kashmir is to accede to India or Pakistan".

From the resolution, it is inter-alia inferred that:

(i) Plebiscite has been recognised by the United Nations as the solution agreeable to both Pakistan and India;

(ii) The responsibility of holding the plebiscite rested exclusively on the United Nations. India and state Government were to perform the subordinate role to the UN for accomplishing the task of holding an impartial plebiscite free from all mal-practices.

It may here not be out of place to analyse, why India decided to take the case to UN itself. P.N.K. Bomzai holds that in order to avoid a direct confrontation with Pakistan, India sought the mediation of United Nations in the dispute. The Indian Prime Minister, in a letter dated 22nd December, 1947, informs the Prime Minister of Pakistan that if Pakistan did not deny to the

invaders assistance and the use of Pakistan territory for operating against the state, India would be compelled to take such action, consistent with the provisions of the United Nations Charter, as it might consider necessary to protect its interests.[24]

Others hold a different view point. It is held that initial Indian attempts were to enforce a military solution in Kashmir but it failed to throw the tribesmen out of Kashmir territory and to annihilate the rebel Kashmir forces. It was the failure of the Indian army to enforce a quick military solution because of the strong resistance of these rebel forces that prompted it to take the case to the United Nations.[25]

In the month of July (7th July), the Commission arrived in the sub-continent. It visited Delhi, Karachi, Muzzafurabad and Srinagar. In the time period between first resolution of 17th January, 1948 and the despatch of Commission, material changes had taken place in the ground situation. These included improvement in communication systems for effective implementation of plans of consolidation by India in the state. It was the same day (July 7th) when the Commission arrived in the sub-continent that a new all weather road was opened between Pathankot and Jammu by Pt. Nehru, for smoother movement of troops and equipment to the State.

The UNCIP in its on the spot inspection also learnt that Pakistan which had till now strongly denied direct participation in the Kashmir fighting had also pushed her regular forces to fight. The Pakistan army headquarters were in overall command of the operations in Jammu & Kashmir on their side of the line. The reason advanced was that the Indian Army's summer drive constituted a threat to Pakistan's interests in Kashmir as well as across the border. In this behalf Prime Minister of Pakistan clarified his country's position before his parliament in these words:

"The Pakistan Army had, in answer to the desperate appeals of the Azad Kashmir after the all out offensive launched by India in the spring of 1948, and in defence of Pakistan's own vital interests, moved in, to hold certain defensive position in May, 1948. Sir Zaffar-Ullah Khan informed the commission that the push in of Pakistan army was a measure of self defence.[26]

The Commission first of all addressed itself to bring about a cease-fire as by now the fighting bad become more intense and extensive. After many deliberations, the Commission succeeded in seeking the consensus of both the parties to its resolution of 13th August, 1948. The said proposal reads as under:

"The United Nations Commission for India & Pakistan".

Having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in the state of Jammu & Kashmir and being of the opinion that the prompt cessation of hostilities and the correction of conditions, the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavours to assist the Government of India and Pakistan in effecting a final settlement of the situation. The UN Commission resolves to submit simultaneously to the Government of India and Pakistan following proposal.

Part-I

Cease-Fire Order

A. The Government of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the state of Jammu and Kashmir at the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by the Governments.

B. The High Commands of India and Pakistan forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the state of Jammu & Kashmir.

C. The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.

D. In its discretion and as the Commission may find practicable, the Commission will appoint military Observers who under the authority of Commission with

the co-operation of both Commanders will supervise the observance of the cease-fire order.

E. The Government of India and the Government of Pakistan agree to appeal to their respective people to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

Part-II

Truce Agreement

Simultaneously with acceptance of the proposal for the immediate cessation of hostilities as outlined in Part-I, both Governments accept the following principles which shall be worked out in discussion between their representatives and the Commission:

A. (1) As the presence of troops of Pakistan in the territory of the state of Jammu & Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from the state;

(2) The Government of Pakistan will use its best endeavour to secure the withdrawal from the state of Jammu & Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the state for purpose of fighting;

(3) Pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission.

B. (1) When the Commission shall have notified the Government of India that the tribesmen and Pakistan nationals referred to in Part-II, A. 2, hereof having withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the state of Jammu & Kashmir and further that the Pakistan forces are

being withdrawn from the state of Jammu & Kashmir, the Government of India agrees to begin to withdrawn the bulk of their forces from the state in stages to be agreed upon with the Commission;

(2) Pending the acceptance of the conditions for the final settlement of the situation in the state of Jammu & Kashmir, the India Government will maintain within the lines existing at the movement of the cease-fire the minimum strength of its forces which in agreement with the Commission will have observers stationed where it deems necessary;

(3) The Government of India will undertake the ensure that the Government of the State of Jammu & Kashmir will take all measures within their power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

Part-III

The Government of India and the Government of Pakistan reaffirms their wish that the future status of the state of Jammu & Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the Truce Agreement, both the Governments agree to enter into consultations with the commission to determine fair and equitable conditions where by such free expression will be assured.

In sum the salient features of the Resolution of August 13, 1948 are:

(i) it recommended to the Government of India and Pakistan that they issue cease-fire order to their High Commands;

(ii) undergo a Truce Agreement inter-se;

(iii) they should reaffirm their commitments to the cause of plebiscite in the state and for the purpose create a harmonious atmosphere.

Within a short period of time after the adoption of the August 13, Resolution, certain events took place which diluted the spirit of finding an early remedy to the problem. Soon after the adoption of this, UN Resolution Pakistan lost its creator, Mohammad Ali Jinnah. It accounted for major setback to the settlement effort. In the same month, India got engaged in its endeavour to capture Hyderabad through a military action. So it was not till December, 1948 that the parties communicated the acceptance of the August 13, Resolution; more than after four months of its adoption.

Cease-fire in Kashmir came into effect from 1st January, 1949—fourteen months and seven days after military intervention by two neighbours in Kashmir. A full one year after the issue was referred to the Security Council. The Security Council adopted another Resolution in the series on Kashmir on 5th January, 1949, which also received the acceptance of Government of India and Pakistan. The Resolution of January 5, 1949 read:

> "The United Nations Commission for India and Pakistan, having received from the Governments of India and Pakistan, in communication dated 23 Dec. and 25 Dec. 1948, respectively, their acceptance of the following principles which are supplementary to the Commission's Resolution of 13 August, 1948:
>
> 1. The question of the accession of the state of Jammu & Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite;
> 2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and Truce arrangements setforth in Part-I and II of the Commission's Resolution of 13th August, 1948, have been carried out and arrangements for the plebiscite have been completed;
> 3. (a) The Secretary General of the United Nations will, in arrangement with the Commission, nominate a plebiscite Administrator who shall be personality of high international standing and commanding

general confidence. He will be formally appointed to office by the Government of Jammu & Kashmir;

(b) The plebiscite Administrator shall derive from the state of Jammu & Kashmir the powers he consider necessary for organising and conducting the plebiscite and for ensuring the freedom and impartially of the plebiscite;

(c) The plebiscite Administrator shall have authority to appoint such staff of assistants and observers as he may require.

4. (a) After implementation of Part-I and Part-II of the Commission's Resolution of 13th August, 1948 and when the Commission is satisfied that peaceful conditions have been restored in the state, the Commission and the plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and state armed forces, such disposal to be with due regard to the security of the state and the freedom of the plebiscite;

(b) As regards the territory referred to in A-2 of Part-II of the Resolution of 13th August, final disposal of the armed forces in the territory will be determined by the Commission and the plebiscite Administrator in consultation with the local authorities.

5. All civil and military authorities within the state and the principal political elements of the state will be required to co-operate with the plebiscite Administrator in the preparation for and the holding of the plebiscite.

6. (a) All citizens of the state who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such there shall be appointed two Commission, one composed of nominees of India and the other of the nominees of Pakistan. The Commission shall operate under the directions of the plebiscite Administrator. The

Governments of India and Pakistan and all authorities within the state of Jammu & Kashmir will collaborate with the plebiscite Administrator in putting this provision into effect;

(b) All persons (other than citizens of the state) who on or since 15th August, 1947 have entered it for other than lawful purpose, shall be required to leave the state.

7. All authorities within the state of Jammu & Kashmir will undertake to ensure in collaboration with the plebiscite Administrator, that:
   (a) There is no threat, coercion or intimidation bribery or other undue influence on the voters in the plebiscite;
   (b) No restrictions are placed on legitimate political activities throughout the state. All subjects of the state, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the state to India or Pakistan. There shall be freedom of the press, speech and assembly and freedom of travel in the state, including freedom of lawful entry and exit;
   (c) All political prisoners are released;
   (d) Minorities in all parts of the state are accorded adequate protection; and
   (e) There is no victimization.
8. The plebiscite Administrator may refer to the UN Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted.
9. At the conclusion of the plebiscite, the plebiscite Administrator shall report the result, thereof to the Commission and to the Government of Jammu & Kashmir. The Commission shall then certify to the

Security Council whether the plebiscite has or has not been free and impartial.

10. Upon the signature of the Truce Agreement the details of the foregoing proposals will be elaborated in the consultations envisaged in Part-III of the Commission's Resolution of 13th August, 1948. The plebiscite Administrator will be fully associated in these consultations;

Commends the Government of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before mid night of 1st January, 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of 13th August, 1948;

Resolves to return in immediate future to the sub-continent to discharge the responsibilities imposed upon it by the resolution of 13th August, 1948 and by the foregoing principles.

Taken together, these resolutions of 13th August, 1948 and 5th January, 1949, provided for a cease-fire and the demarcation of the cease-fire line, the demilitarization of the state and a free and impartial plebiscite to be conducted by the United Nations. The first part of August 13, 1948 resolution was fulfilled, but it is the second part of the resolution related to the demilitarization, which till date remains un-implemented. As a consequence of non-implementation of the second stage, the third stage of holding a plebiscite could not mature. The resolution of January 5, 1949 being subsidiary and supplementary to the resolution of August 13, 1948, was an elaboration of the principles contained in Part-III of the August 13, 1948 Resolution and had no practical significance till the resolution of August 13, 1948 was fully implemented.

One may over here like to ponder to what were the factors that hindered the implementation of the historic resolution inspite of receiving concurrence from both India and Pakistan in principle. It may have been the deliberate reluctance of India and Pakistan that was responsible; may be the Global powers locked in a cold war or the voiceless subjects of Jammu & Kashmir

themselves. It may have been all of them. This needs, as far as possible thought over so as to improve the world order in the best interests of aspiring millions of people the world over including that of Kashmir.

Immediately after the cease-fire came into effect, the UN Secretary General with the prior approval of the two Governments appointed Admiral Nimitz of United States as the Plebiscite Administrator in March 1949. In response to a report by the Commission, the Security Council on 17th Dec. 1949 appointed Gen. Mc Naughton of Canada as the mediator in the dispute with a purpose to bring the two Governments together. He also happened to be President of the Council at that time. United Nations Military Observers were sent out to assist in monitoring the cease-fire and to investigate reports of its violation. Mc Naugton put forward his proposal for de-militarisation of the state, which was likely to provide a path for the holding of a fair and impartial plebiscite in the state. The proposal provided that there should be large scale de-militarisation whereby not only Pakistan but also Indian troops should withdraw simultaneously and the state and Azad Kashmir forces should be disarmed and disbanded. So should the northern area of Gilgat and Baltistan be demilitarised but their existing local authorities should continue to administer them, subject to the UN supervision.

India took this proposal as a blatant violation of August 13, resolution. It alleged that the proposal was putting the Indian army and the Pakistan army on the same level as well as the raider forces and the state forces. Pakistan accepted the proposal. Obviously, the simultaneous disarming and disbanding of local forces on either side of the cease-fire line was nothing to do with each other's claim of any part of the state. Instead it was likely to reduce the coercion and intimidation element from the plebiscite exercise.[27]

With the submission of the final report by Gen. Mc Naughton to the Council on 13 Feb. 1950, the Security Council on March 14, 1950 passed another resolution on Kashmir, under it, the Council decided to appoint a United Nations

Representative to take-over the functions of the UNCIP in implementing the resolution of 13th August, 1949. On April 12, 1950, the Security Council appointed Sir Owen Dixon as the UN Representative. He paid a three month visit to the disputed territory in the summer of 1950 and had detailed discussions with the Prime Ministers of India and Pakistan. His proposals (Sept. 1950) for demilitarisation on the line suggested by Gen. Mc Naughton, met with a similar fate. His alternative plans: (i) A plan for taking the plebiscite by sections or Areas and the allocation of such section or area according to the result of the vote therein. (ii) A plan, whereby the regions where there was no doubt about the will of the people, should be allocated either to India or Pakistan and where there was a doubt a plebiscite should be held, could not once again carry favour of the parties.

The implementation of the second plan would have probably put the area of Jammu, Kathua, Udampur and the other Hindu majority areas of Jammu in Indian controlled Kashmir with India. The Azad Kashmir alongwith muslim majority areas of Poonch, Rajori, Mendhar etc. could have merged with Pakistan. A plebiscite could have held in Kashmir Valley, and the adjacent country, which Dixon does not specify. It is held that by adjacent country, he may have meant the muslim majority areas of Kargil and/or Doda district.

Following Dixon's failure to ensure an agreement over Kashmir, in January, 1951, a meeting of the Common Wealth Premiers was held. It was attended by Menzies (Australia), Atlee (UK), Nehru and Liyaqat Ali Khan. It was suggested that a brigade of Common Wealth troops be posted in the state for security reasons and plebiscite be held in certain areas of the state. The proposal did not find favour with Atlee who believed that plebiscite should be held in the entire state.

Pakistan on Dec. 14, 1950 asked the Security Council to stall the attempts by Government of India at convening a constituent Assembly for the state. The National Conference in the state in Oct. 1950, had passed a resolution recommending for the convening of a constituent assembly in the state to determine the future shape and affiliation of the state.

The Security Council passed a resolution on Kashmir (March 30, 1951) for appointment of another representative, Dr. Frank Grahm, after the resignation of Sir Owen Dixon. On the question of convening a constituent assembly for the Jammu & Kashmir state, the Security Council sought an assurance from the Government of India that such an act would not in any way interfere with the commitments made by it and that the constituent assembly would settle only internal matters, leaving international issues unaffected.

Dr. Grahm was directed by the Security Council to deal with the issue of demilitarisation within three months. Instead, he toiled patiently for full two years to induce India and Pakistan to agree to a plan of demilitarisation. During this period Dr. Grahm submitted five reports to the Council on 15th Oct. 1951, 19th Dec. 1951, 22nd April, 1952, 16th Sept. 1952 and 27th March, 1953.

An attempt was made in June 1953 in the Common Wealth Premiers Conference, at London by Mohammad Ali Bogra and Pt. Nehru to negotiate the dispute. These direct negotiations continued till Sept. 1954.

By 1953-54 commenced the US-Pak arms relationship. India started to back out of the commitment to hold the plebiscite in the state by asserting that military aid to Pakistan had upset the balance of power in the sub-continent. Besides, it gave India reason to turn further towards the Soviet Union. Pt. Nehru used the change in Pakistan's foreign policy as grounds for the rejection of the promised Kashmir plebiscite. Nehru statement in Parliament on 1st March, 1954 read, "this grant of military aid by the United States to Pakistan creates a grave situation for us in India and for Asia. It adds to our tension. It make us much more difficult to solve the problems which have confronted India and Pakistan. There has thus so for been no agreement on this issue. Now the whole issue has to be considered from an entirely different point of view".[28]

Admiral Nimitz finally resigned in September, 1954, from an office which he had never been able to exercise. In Dec. 1955, Nikita Kruschiev during his visit to Kashmir declared that 'the

question of Kashmir as one of the state of India has already been decided by the people of Kashmir'.

Since then, India ceased to take any interest in all projects that could ascertain the wishes of the people of Kashmir. It instead began to concentrate more on already employed integration tactics in order to completely transform the existing special status of Kashmir under Indian constitution and make the state in integral part of the Indian Union.

Meanwhile, the Kashmir constituent assembly which had been busy framing a constitution for the state completed its work. It on Nov. 1956 declared that "the state of Jammu & Kashmir is and shall be an integral part of the Union of India". The Security Council on the representation of Pakistan met in January, 1957. The resolution of 24th January, 1957 re-affirmed that this convening a constituent assembly by National Conference in Jammu & Kashmir would not constitute a disposition of the state. In the resolution of the Council dated 21st Feb. 1957, the Council requested the President of the Council Mr. Gunnar Jarring of Sweden to visit the sub-continent to discuss the issue. Gunnar Jarring's visit to the area was no more fruitful than the efforts of his predecessors. Jarring suggested that not only the main problem of demiliterisation be submitted to arbitration but also other minor procedural complaints be referred to arbitration. By the resolution of 21 Dec. 1957, Dr. Grahm was again appointed as the UN representative to make further recommendations with a view to making progress towards the implementation of the resolution of the UNCIP of 13th August, 1948 and 5th January, 1949. His attempts in 1958 mainly related to the idea of the United Nation Force for Kashmir and need for demiliterisation of the state.

In 1960, President Ayub Khan of Pakistan visited India and had a thorough discussion with Nehru on the Kashmir issue. In June 1962, Pakistan, once again, in order to focus world attention on Kashmir, requested the Security Council to take up the matter. Krishna Menon, refuted the arguments of Pakistan representative, Zaffar Ullah Khan and once again charged Pakistan of aggression in Indian territory in Kashmir. He

clarified that the conditions on the Indian sub-continent had materially changed since 1947 and the solution of the question was not feasible by holding a plebiscite.

The Indo-China conflict of 1962 had an immediate effect in diluting Nehru's hard-line on Kashmir. The defeat at the hands of Chinese, made Nehru to follow a relatively more pragmatic approach towards the issue. In response to India's request for military aid, the US Assistant Secretary of State W. Averell Harriman and the British Foreign Secretary Duncan Sandys visited India and managed to convince Nehru of the serious consequences that could follow from India's determination not to resolve the Kashmir dispute.[29]

These major powers managed to restrain Pakistan from any adventure to capitalize on India's predicament. Both President John F. Kennedy and Prime Minister Macmillan wrote to President Ayub, suggesting a temporary freeze on the Kashmir issue, at least, until the China-Indian border conflict was over. Consequently, India and Pakistan agree to make another effort to solve the dispute through negotiations. Between Dec. 1962 to May, 1963, six rounds of discussions took place between the representatives of two Government's. Once again no solution was available. The next two years saw gradual escalation of unrest in Kashmir, resulting in the second Indo-Pak war in 1965.

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Chapter 7

Internal Dynamics of Kashmir Politics (1947-1953)

After the fleeing Maharaja entered into an instrument of accession with the Government of India on October 26, 1947, Valley was left without a Government. Before, his departure, the Maharaja had already conveyed to the Governor General of India, Lord Mountbatten, his intention of imposing an interim government in which Sheikh Mohammad Abdullah would be associated with his Prime Minister, to fight back the raiders successfully. On 30th Oct. 1947, National Conference stepped in to be part of the Emergency administration, with its leader Sheikh Mohammad Abdullah to function as the Head of the Administration.

Immediately an Emergency Council of 23 members consisting of thirteen Muslim members (twelve from valley and one from Jammu) and ten non-muslim members was constituted. Bakshi Ghulam Mohammad was nominated as Deputy Administrator of the Council. This Council's main objective was to launch an all out onslaught particularly against the tribals and generally against the anti-Indian elements in the state.

At once the district and mohalla committees were set up to take over the functions of local administration. Organised companies of volunteers were raised to keep peace and order. Anarchical rule was the natural outcome under these

circumstances. Semiliterate and illiterate bands of volunteers appeared on the scene in the form of these voluntary and peace committees. They lacked any rationality and political sense and still performed the roles of self-styled custodians of law and order. Besides, launching an all out attack against the anti-establishment people, they simultaneously, carried on a severe campaign in the rural areas against the intentions of the tribals. While praising India as a big country, where trade, commerce, tourism is going to flourish, Pakistan was ridiculed as a small country whose intentions about Kashmiris were not good. A small force 'National Militia' was also raised and trained.

Meanwhile, the state undergoing through an economic blockade from Pakistan, was in the midst of an acute shortage of all essentials. Particularly, there was acute scarcity of salt and green tea, sugar, cloth, kerosene were almost non-available. The wholesale imports had lost their business contacts following the upheaval in the Punjab. The tourist trade had come to a stand still. The cottage and fruit industry was suffering due to the lack of transport.

Satisfied with the role of Sheikh Mohammad Abdullah in the crisis situation, New Delhi decided to end the dual administration of the Prime Minister and the Emergency Administration. On 5th March, 1948, Sheikh Mohammad Abdullah was nominated to the office of Prime Minister and the emergency council was converted into a regular council of Ministers. In May 1949, Maharaja Hari Singh was pressurised by the Government of India to abdicate in favour of his son Karan Singh, who took over as the Regent.

As an immediate relief to the peasants, the Government enacted laws for the protection of the tenants. They could no longer be ejected from the land. Tenants used to give the landlord fifty per cent of the crop. Now he was allowed to retain two-third of the production of paddy, pulses and other crops. A moratorium was declared on debts incurred by the peasants and workers and old debts were scaled down by eighty per cent.

Sheikh Abdullah announced drastic sweeping land reforms in a speech from National Conference platform. The landlord

was allowed to keep not more than 160 kanals (20 acres) of agricultural land, 8 kanals (1 acre) of land for vegetable gardening, 4 kanals (1/2 acre) as residential site and 10 kanals (2.5 acres) of orchards—altogether 182 kanals (22.75 acres). The expropriated land was to be transferred in full ownership to the tenant to the maximum of 160 kanals (20 acres). He had to pay the regular land revenue. All lands which were not under cultivation or not rented and in excess of 182 kanals were transferred to the Government for distribution among the landless tillers or for collective farming.

Before announcing his statement regarding the abolition of the jagirdari system, a scheme regarding the same had been prepared and sent to the Regent, Karan Singh for his formal approval. Since the Regent appeared all the way against the abolition of the system, instead, the scheme was forwarded to the Secretary, Kashmir Affairs, Government of India. The reply from New Delhi to the matter read as under:

'The proposal will drastically affect the economy of very large section of the population and for the sanctioning of which there is no properly functioning legislature at present, should in the existing delicate political situation be first examined in concert with the Government of India and that we should not rush this legislation without satisfying the Government.[1]

Sheikh Abdullah believed that since this matter did not fall within the jurisdiction of the Government of India, as the matter was within the state list,[2] Government of India had no right to indulge in undue interference in the matter. The issue greatly annoyed him. He, therefore, announced his Government's decision about the abolition of the jagirdari system hurriedly in a public meeting in Lal Chowk, Srinagar, without receiving the consent of New Delhi and the assent of the Regent.

After the scheme was applied, it affected about nine thousand landlords mostly Hindus, from whom four and half lack acres of land were taken away and distributed among cultivators, mostly muslims. No doubt, a great proportion of population benefited under this scheme.

Special Status to the State Under the Constitution of India

Article 370 of the Indian Constitution represents the constitutional arrangement to determine relationship of the state of Jammu & Kashmir with the Union of India. Before going into details of the separate arrangements for the state of Jammu & Kashmir, it is necessary to take a general view of the constitution of India. It applies to the whole of India, including all the integrated former Indian princely states and is divided into 22 parts. It contains 395 articles and 12 schedules. For the purpose of our argument, the following parts are important:

Part I deals with the Union and its territory.

Part II deals with citizenship.

Part III enumerates fundamental rights and has 35 articles.

Part IV gives out the directive principles of state policy and IV 'A' the fundamental duties.

Part V and Part VI deal with the Union and the states.

Part VII used to deal with 'B' category state (the territories of Indian states which previously lay under the Suzerainty or paramountcy of the British Crown); which included Jammu & Kashmir and has been repealed by the constitutional (seventh amendment) Act, 1956. Now Jammu & Kashmir is shown as one of the states of India.

Part VIII deals with Union Territories administered by the Central Government. Every Chapter and article of Indian constitution applies to these territories also.

Article 371 provides some special features for Sikkim and Nagaland but, unlike Jammu & Kashmir the writ of the Indian Parliament prevails in these states. It is not worthy that out of 395 articles, only two articles, namely 1 and 370, apply to Jammu & Kashmir. The rest of the arrangements for the state is contained in constitutional order 48 which is called the constitution (Application to Jammu & Kashmir) order 1954. Article 370, which is headed 'Temporary Provisions' with respect to the state of Jammu & Kashmir is reproduced below:

1. Not withstanding anything in the constitution,
   (a) The provisions of Article 238 shall not apply in relation to the State of Jammu & Kashmir;

(b) The power of Parliament to make laws for the said state shall be limited to:

(i) Those matters in the Union list and the concurrent list which, in consultation with the Government of the state, are, declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the state to the Dominion of India as the matters with respect to which Dominion Legislature may make laws for that state; and

(ii) Such other matters in the said lists as, with the concurrence of the Government of the state, the President may by order specify.

Explanation: The Government of state means the person for the time being recognised by the President as the Maharaja of Jammu & Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's proclamation dated 5th March, 1948;

(c) the provisions of Article I and of this article shall apply in relation to the state;

(d) such of the other provisions of this constitution shall apply in relation to that state subject to such exceptions and modifications as the President may by order specify;

Provided that no such order which relates to the matters specified in the Instrument of Accession of the state referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the state;

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

2. If the concurrence of the Government of the state referred to in paragraph (ii) of sub-clause (b) of clause (d) of that clause be given before the Constituent Assembly for purpose of framing the constitution of the

state is convened, it shall be placed before such Assembly for such decision as it may take thereon.

3. Not withstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify.
   Provided that the recommendation of the Constituent Assembly of the state referred to in clause (2) shall be necessary before the President issues such notification.

To grasp fully the significance of Article 370 and of the constitution (Application to Jammu & Kashmir) order 1954, it is noteworthy to once again go briefly into the background of the Kashmir dispute. After British withdrawal and the creation of the two Dominions of Pakistan and India, Maharaja Hari Singh of Kashmir concluded a stand still agreement with Pakistan in August 1947. Later on, he signed an Instrument of Accession with India on 26th October, 1947. The Instrument of Accession states inter-alia that the Maharaja accedes 'to the Dominion of India with the intent that the Governor General of India, the Dominion Authority established for the purpose of the Dominion, shall by virtue of this may Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the state of Jammu & Kashmir (here in after referred to as 'this state') such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947. He accepted 'the matters specified in the schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this state'. These matters were defence, external affairs, communication and 'ancillary'. The Instrument stated further that nothing would effect the continuance of the Maharaja's sovereignty in and over this state, or, save as provided by or under this Instrument, the exercise of my powers, authority and rights now enjoyed by me as Ruler of this state or the validity of any law at present in this state.[3]

On October 17, 1947, Gopala Swamy Ayyangar, while introducing Article 306-A (now Article 370) in the Indian Constituent Assembly said that a distinction was made for Kashmir due to the special conditions prevailing in Kashmir where a war had led to an agreed ceasefire earlier in the year. According to him, the Government of India had made certain commitments to the people of Kashmir, which included an undertaking that an opportunity would be given to them to decide for themselves whether they wished to remain with the Indian Republic or to leave it. The people of Jammu & Kashmir would have their own Constitution framed by a Constituent Assembly set up for the purpose as well as to determine the sphere of the Union jurisdiction over the state.[4]

Maharaja Hari Singh issued a proclamation forming a Council of Ministers headed by a Prime Minister which would take steps to constitute a 'National Assembly' based on adult franchise to frame a constitution for the state. On 25th Nov. 1949, Yuvraj Karan Singh, to whom the Maharaja had entrusted power, issued a proclamation that Constitution of India should be adopted by the Constituent Assembly of the state in terms of the Instrument of Accession in so far as it was applicable to Jammu & Kashmir in the Union of India. The President of India acting under Article 370, made the constitution (Application to Jammu & Kashmir) order 1950 by which such legislature powers and other provisions of the constitution were applied to the state as corresponded to matters specified in the Instrument of Accession.

As a result of proclamation issued by the Maharaja on 20 April, 1951, the Constituent Assembly of the state was convened on 5 Nov. 1951. On 10 June, 1952, the basic Principles Committee of this Constituent Assembly submitted an interim report which recommended about:

(i) the form of the future constitution of Jammu & Kashmir;
(ii) termination of institution of hereditary rulership.

The Constituent Assembly of the state by a resolution adopted these recommendations.

On 14 May, 1954, in exercise of power conferred by Article 370(i) of the Constitution of India, the President of India with the concurrence of the Government of state, made the constitution (Application to Jammu & Kashmir) order 1954.[5] It superseded the earlier order of 1950 and extended the application of various provisions of the Constitution of India to the state. One such provisions was Article 368, which lays down the amending provisions of the Constitution of India, but a provision was added to the effect that 'no such amendment shall have effect in relation to the state of Jammu & Kashmir unless applied by order of the President under clause (1) of Article 370. On 17 Nov. 1956, the Jammu & Kashmir Constitution was adopted. Some of its sections came into force on that date and the remaining sections came into force on 26th January, 1957.

By constitution (Application to Jammu & Kashmir) order 1954, the Chapter on Fundamental Rights was modified in Jammu & Kashmir and freedom of speech and expression, freedom of association, freedom to assembly peacefully, freedom to movement, freedom to reside and settle in part of the state, freedom to carry on business, trade, profession are not absolute and are subjected to an additional ground of restraint viz. reasons of security of state. This means that unlike in rest of India, courts in Kashmir cannot inquire into complaints of violations of these rights, foreclosing judicial review.

Since the state's Constituent Assembly which framed its constitution has been replaced by the State Legislature, the President of India cannot issue the kind of notification mentioned, in terms of sub-article 3 of Article 370, without convening a new Constituent Assembly for Kashmir to recommend the notification.

It is in India's interest to retain Article 370 and not to talk of its repudiation, which would further alienate the people of Jammu & Kashmir from India. The people of the state need to be assured that this is not merely a matter of the good will of any Government in power to talk of retaining of this Article. The Constitution of India does not allow any one to unilaterally

abrogate it. This assurance go a long way in assuaging the fears of the people of the state.

Constituent Assembly and the Progress of the Political Events

In October, 1950, the General Council of National Conference, on the directive of Government of India passed a resolution asking for elections to Constituent Assembly for the purpose of giving to the state a constitution and simultaneously functioning as its legislature. In May 1951, the Yuvraj in the capacity of Regent, issued a proclamation convoking a Constituent Assembly on the basis of adult franchise. The elections to the Constituent Assembly were conducted by an election commissioner appointed by the Yuvraj working as Regent of Maharaja in September, 1951. The constituencies were delimited by a delimitation committee set up for the purpose, which recommended creation of one hundred constituencies for the entire Jammu & Kashmir state. Out of this 25 seats were arbitrarily earmarked for 37 per cent of population living in 40% territory of state in Azad Kashmir (Gilgat, Baltistan included), a well calculated plan to rubber stamp the Maharaja's Instrument of Accession.

The elections were unprecedent in the nature. All of the seats were won by the National Conference. Seventy three members of the Assembly were elected unopposed. The remaining two contests in Jammu, were also won by the National Conference, in the light of a boycott of elections by the Dogra Hindu Community from Jammu. Commenting on the nature of these elections, Mufti Bhauddin, one time Chief Justice of Jammu & Kashmir High Court, states 'the elections were really stage minded and were neither free nor fair'.[6]

The Constituent Assembly which met for the first time in Nov. 1951, took up the issue of (i) framing a constitution for the state and finalising administrative arrangements with the Centre, (ii) deciding the future of the ruling family, and (iii) passing a verdict on the land owners claim to compensation following the abolition of big landed states.

For framing a suitable constitution the Assembly appointed several sub-committees. But since constitution making was slow process, it was decided that the Constituent Assembly should convert itself into legislature of the state. The framing of a constitution brought into light a number of fissiperous tendencies in the relationship of National Conference with Government in New Delhi. The scarcity of revenues in the state and the dependence upon grants and subsidies from New Delhi on one hand and the wish to have a complete freedom in framing the constitution of the state on the other hand brought the two parties at longer-heads with each other. It was evident that the plan of future status of Jammu & Kashmir in Sheikh's mind was altogether different from the point of view of New Delhi. Meanwhile, Gopala Swamy Ayyangar brought a plan of integration on financial matters by extending the jurisdiction of the Comptroller and Auditor General of India to the state of Jammu & Kashmir. Sheikh resented the move strongly. While criticising the plan, Sheikh in his speech at Ranbir Singhpora, Jammu charged New Delhi of undue interference and described attempts at application of Indian Constitution to the state as unrealistic and childish.

Meanwhile, the tripartite character of the state of Jammu & Kashmir made the situation within the state itself explosive. The radical land reforms programme that Sheikh Abdullah had implemented was viewed in communal terms for it had dispossessed many landlords mostly Hindu without compensation. Besides, due to Abdullah's lack of political base in Jammu, certain specific sources of discontent were further added between 1950-52. First, his five member cabinet had only one representative from Jammu, even though the province had 48% of the state population. Furthermore, it was felt that the share of only 29 seats out of 75 seats (valley had 44) was less than what it deserved.[7] Suspicions about Abdullah's intentions regarding the future affiliations of the state were also strengthened by the rumours that in his dealings with the Western powers, he had expressed preference for a sovereign independent state.[8] The pro-intergrationist forces of Jammu,

demanded Jammu and Kashmir's complete accession and integration with the Indian Union.

By mid 1952, a movement against Abdullah, spearheaded by a Hindu regional party. The Praja Parishad, emerged in Jammu. The Praja Parishad insisted that the accession was final and complete. In its view, the partial Autonomy as defined in Article 370 of the Indian Constitution, failed to give the population of the state as sense of oneness with the rest of the country. The Parishad alleged that the special status of the state was likely to assist the National Conference to exploit liberties in the name of these provisions. Thus the issues—Jammu & Kashmir's complete integration with the Indian Union and the abrogation of Article 370 became the corner stone of the Parishad's political platform. The Praja Parishad was also joined by the Jan Sangh, the leading nationalist party in Delhi, who propagated on behalf of the movement in Delhi. In its eight point programme, the Parishad demanded the abrogation of Article 370, full integration of the state into the Indian Union, full application of Indian Constitution, complete jurisdiction of the Supreme Court, removal of the customs barriers between Kashmir and India, fresh elections to the Constituent Assembly, investigation by an impartial tribunal into the charges of corruption of the state administration and integration of Jammu & Ladakh with the Indian Union, if not of the whole state. The Praja Parishad effectively mobilized the urban population of the Jammu city on a slogan: Ek Pradhan, Ek Nishan Aur Ek Vidhan (one Prime Minister, One Flag and One Constitution). Batches of volunteers mostly Jan Sangh members from northern and central party of India participated in the Parishad agitation. Conversely, the more the Praja Parishad intensified its agitation, the more strident Abdullah's position became on accession to India. The Parishad agitation, said Abdullah, literally poured cold water on the efforts of the National Conference to rally Muslim support for India all these years.[9]

In the valley itself, there was a popular resentment against the Government, due to an acute shortage of foodgrains. The failure of crops in 1949-50 and 1950-51 led to a grave crises and

whatever supplies of grain come from Government of India, could not reach the needy due to inefficient handling by the Food Control Department. The food procurement drive added to the misery of the peasants who were forced to part with their stock of grain at nominal rates while they had to purchase grain at exorbitant prices to pay the Mujawaza (Land tax in kind). Besides, acute shortage of grains, all essential commodities like cloth, sugar and salt were not also available. An inquiry committee appointed in 1952-53 to investigate, found out that the cooperative stores engaged in distribution of these commodities among the people were on the verge of collapse due to corruption and malpractices of their staff.

Amidst these crisis, an important meeting was called by Nehru in New Delhi to overcome the constitutional deadlock and resolve the administrative problems between the Central Government and the Government in the state. Besides, Nehru Gopala Swamy Ayyangar, Girja Shanker Bajpai, also participated. Sheikh was accompanied by his close associates and members of the drafting committee of the constitution of the state. No objections were raised by Government of India on having a separate flag for the state but insisted that Union flag should be also hoisted side by side to the state flag. In respect of appointment of Sadri-e-Riyasat, Nehru's choice of electing the young Regent Karan Singh had to be honoured, though his age did not meet the requirements of that post.

Sheikh had to succumb before the Union Government's pressure tactics and surrendered to the Indian Union various matters other than those specified in the Instrument of Accession through what came to be known as Delhi Agreement on 24 July, 1952. The Centre succeeded in getting major portion of Indian Constitution applicable to the Jammu & Kashmir state. Fundamental Rights that are guaranteed by the Indian constitution were to apply to state, subject to the provision that they would not encroach upon the programme of land reforms. The jurisdiction of the Supreme Court was extended to the state to the extent of inter-state disputes, Fundamental Rights and to matter of defence, foreign affairs and communications. The

national flag of India was to be supreme. The emergency powers of the President of India were to apply in state only 'at the request or with the concurrence of the government of the state'.

The extract of the Delhi Agreement reached at New Delhi on 24th July 1952, between Sheikh and Nehru is as:

1. Residuary powers would rest in the state of Jammu & Kashmir;
2. Citizenship: it was agreed that in accordance with Article 5 of the Indian Constitution, persons who have their domicile in the Jammu & Kashmir state shall be citizens of India. It was further agreed that the state legislature shall have power to define and regulate the rights and privileges of the permanent residents of the state, especially in regard to acquisition of immovable property, appointment to services and like matters;
3. Supreme Court: The Supreme Court jurisdiction was recognised in regard to such Fundamental Rights as would be agreed to by the state, as also regarding disputes mentioned in Article 131 of the Indian Constitution. It would be the final court of appeal;
4. State Flag: The new state flag was no rival to the National Flag but its continuance was necessary for historical and other reasons. The Union Flag would occupy the supremely distinctive place in the state.
5. President of India: Powers to grant reprieve and commute death sentences would belong to the President of the Union;
6. Head of the State: Following principles were agreed upon:
   (a) the Head of the state shall be person recognised by the President of Union on the recommendations of the legislature of the state;
   (b) he shall hold office during the pleasure of the President, he may be writing under his hand address to the President his resignation from the office;

(c) he shall hold office for a period of five years, and shall continue to hold office till his successor is elected.

7. Financial Integration: The necessity of some financial arrangements was seen, but a detailed and objective examination was considered necessary.
8. Emergency Powers: It was agreed that Article 352 of Indian Constitution with regard to internal disturbances could be invoked only with respect to the state only at the request or with the concurrence of the government of the state. The Government of India did not press for the application of Article 356 or Article 360.

As a partial follow up action of the Delhi Agreement, the Constituent Assembly met in Srinagar on Nov. 15, 1952 and elected Mr. Karan Singh as Sadri-e-Riyasat for a term of five years. This abolished the hereditary Dogra rule in the state.

No further action was taken by the state government with regard to other provisions of the agreement in which Government of India was more interested. This reluctance came to surface when Abdullah's directions, his law making members prepared alternative drafts of constitution. Sheikh wished to put before the people all the drafts and elicit their approval, which virtually meant a referendum about the future of the state. As to the future status of the state, Abdullah held a defiant attitude towards complete integration of the state with the Union of India.

Meanwhile, the Praja Parishad agitation, with the active support of fundamentalist Hindus intensified its demand for full implementation of the Delhi Agreement. Dr. Mukerji the Jan Sangh President tried to make a capital out of the agitation. He demonstratively travelled to Jammu, where he was arrested and detained in jail in Srinagar. His death from a heart attack in detention raised a storm of indignation in India against the regime of Sheikh Abdullah. Bitter debates in Delhi followed. Abdullah claimed that fury against him was conclusive evidence of a deepening Hindu chauvinism in India.

Nehru's stance also hardened. Nehru and Mukerji were political adversaries, yet as the out cry against Nehru's faith in an apparently unreliable and dithering Abdullah increased, the message of Mukerji's death was clear to Nehru. He could not continue to build his Kashmir policy around Abdullah: 'Nothing more harmful to our causes in the state could have been done even by or enemies. It is for me an almost personal tragedy'.[10] Nehru's subsequent pleas to Abdullah advising him to show a firm commitment to India—so that his Kashmir policy (gradual integration) could be saved—got shattered.

'To me it has been a major surprise that a settlement arrived at between us should be by-passed or repudiated, regardless of the merits. That strikes at the root of all confidence, ... My honour is bound up with my word ... it is always painful to part company after long years of comradeship. But if our conscience so tells us then there is no help for it. Even so we must do it with full understanding and full explanation to each other',[11] argued Nehru.

These developments were creating a psychological crisis in the mind of Sheikh. He continued with his criticism of Hindu chauvinism. In a public speech, he warned India of grave consequences if the Hindu communalism was permitted to continue its virus against muslims. By this time, Mr. Adlai Stevenson, a Democratic leader of the United States visited Kashmir and Sheikh got an opportunity to discuss the issue (Kashmir issue) thread bare with him. One of the alternative proposals concluded was an independent Kashmir, with a guarantee by big powers.

Keeping in view these developments, Sheikh became a suspect in the eyes of the Government of India. His removal from power appeared the only solution to safeguard the national interest. Therefore, a dissent against Abdullah in his own party was conspired at New Delhi and Bakshi Ghulam Mohammad was promised to be installed at his place.[12]

As a prelude to cover the ground work for the implementation of the plan, the services of Pandit Durga Prasad,

a well known Kashmiri Hindu influential in Kashmir were also utilized. The then Deputy Prime Minister Bakshi Ghulam Mohammad was chosen to lead the game. An open rift was created in the cabinet. Three out of the five members differed with the government on the slow implementation of the provisions of the Delhi Agreement. The final act was precipitated by the Sheikh's demand for the resignation of a member of his cabinet, Mr. Sham Lal Saraf, against whom, he had received many complaints of corruption. Mr. Saraf refused to resign unless the whole cabinet was dissolved and a new government formed. On August 7, the three members (two Hindus and one Muslim) namely G. L. Dogra, S.L. Saraf and led by Bakshi Ghulam Mohammad, accused in a memorandum, Sheikh of making arbitrary decisions, of being responsible for deterioration in the administration, despotism and inefficiency. The memorandum informed Sheikh that the cabinet had lost the confidence of the people. A copy of the memorandum was submitted to the Sadri-e-Ryasat, who suggested an emergency meeting of the cabinet with him. Sheikh did not respond to the offer and in the afternoon of August 8, 1953, left for Gulmarg, a tourist resort.

Sadre-i-Riyasat, faced with a serious rift in the cabinet issued the order of dismissal of Sheikh Abdullah from the Prime Ministership of the state, and dissolved the council of ministers headed by him. Bakshi Ghulam Mohammad, on August 9, 1953 was sown in as the next Prime Minister of the state. Saraf and Dogra were also sworn in as cabinet ministers in the new Government. Thus Bakshi held the office of the Prime Minister without the concurrence of the Constituent Assembly. On the same day, Sheikh along with some of his associates was arrested in Gulmarg and kept in detention at Udhampur in the Jammu province.

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Chapter 8

Political Events (1953-82)

Bakshi Ghulam Mohammad was a semiliterate person. But he was certainly a talented politician. Soon after his taking over the assignment of Chief Ministership of the state, he in his policy statements charged Sheikh of sponsoring the idea of independence, which according to him was misleading and a great threat to the independence of the newly independent countries in the sub-continent.

He announced a number of measures to pacify the outbursts of anger among the people, following Sheikh Abdullah's arrest. Abdullah had succeeded in weaning the mass support towards himself in view of his ouster and arrest. It came to be widely believed among masses that he had realised his past mistakes and was trying to give amends to his past doing by resisting designs of New Delhi in the state. Violent outburst erupted in the valley. A reign of terror and suppression was launched by the Government against the people.

Outwardly, burdened by these deep rooted crisis in the troubled state, Nehru temporarily maintained a soft attitude towards Pakistan. In the meeting between Pakistan Prime Minister and Nehru in mid August, 1953 in New Delhi, the Kashmir issue was discussed thread bare. Nehru once again reaffirmed his faith in the settlement of the Kashmir issue through a plebiscite. The joint communique read:

> 'The Kashmir issue was discussed thread bare, it was opined that this should be settled in accordance with the wishes of the people of Jammu & Kashmir. The most feasible method of ascertaining the wishes of the people was by fair and impartial plebiscite. Such a plebiscite had been agreed to some years back but progress, however, could not be made because of lack of agreement in regard to certain preliminary issues. The Prime Ministers now decided to settle these preliminary issues in order to arrive at agreement'.[1]

Inside the state, meanwhile, the National Conference undertook the re-organisation of the party. Among original stalwarts in the party viz. Sheikh, Beigh, Kara, Masoodi, Bakshi, Saraf, Dogra and Sadiq the first four were dropped, Saraf and Dogra had already joined the Bakshi Camp and his cabinet, and the last one, Mr. Sadiq was imbibed to join the party, being given the prestigious position of the Chairman of the Constituent Assembly. Bakshi Abdul Rashid, a close kin of Bakshi, was given the portfolio of General Secretary of the Party in place of Mr. Masoodi. Third degree methods were resorted to by the party workers to generate mass support for the party. As P.N. Bazaz writes, 'citizens were put behind the bars with no obligation for the Government to inform the detinue about the grounds of its detention, for atleast a period of years at a stretch. Press sensorship was clamped. Many newspapers had to suffer a ban for being critical of the policies of the Government and the misdeeds of the party workers".[2]

Groups of paidmen by name of 'Peace Brigade' were raised. These peace Bridgesmen would hardly spare any person from among their localities who was suspected to be holding views against the Government and the party. At the same time, tempting bribes, allotment of Route Permits, contracts of forests, public works department and supplies, government jobs on contract basis, undue promotions were kept open for the sympathisers of the ruling party.

To quote Bazaz, 'there was no branch of administration and no sphere of public life where bribery was not practised. To be

corrupt carried no stigma, no discredit for an official or public workers'.[3]

The removal of the Sheikh cleared the path for a smoother integration of the state with the Union of India, and towards the framing of the constitution by the Constituent Assembly of the state. The members of the Constituent Assembly were under the categorical directive that they should do nothing which goes against the constitution of India before the constitutional relationship of the state was finalized with India.[4]

Accordingly, the Constituent Assembly on Feb. 6, 1954 confirmed the state's accession to India. The reports of the basic principles committee and the committee on Fundamental Rights were also adopted the same day. The basic principles committee states that 'in order to enable centre to discharge its responsibilities, which devolve upon it under the constitution, those provisions of the Constitution of India which may be necessary for this purpose should be made applicable to the state in an appropriate manner. While preserving the autonomy of the state, all obligations which flow from the act of accession and also its elaborations as contained in the Delhi Agreement should find appropriate place in the constitution'.

As a first step towards greater integration, the customs barrier was removed in April, 1954, thereby making the state economically integral part of India. At the same time, the process of erosion of Kashmir's autonomy was also continuing with active manipulation from New Delhi.

The first major assault was the J&K constitution (Amendment) Act 1954, it deleted section 75 of the J&K constitution Act 1939 which had made council of ministers the final interpreters of the constitution. Further the President of India issued the constitution (Application to Jammu & Kashmir) order 1954, whereby the jurisdiction of the Centre was extended from the original three subjects: defence, foreign affairs and communication to all subjects of the Union list. By its terms, the constitution (Application to Jammu & Kashmir) order 1954 provided that in addition to Article 1 and 370 the specified (excepted, modified, altered, changed, omitted without reference

to the Indian Parliament) provisions of the Indian constitution shall apply to the state of Jammu & Kashmir subject to the exceptions and modifications therein. The two laws passed on May 14, 1954, went against the very first para of the 1952 Delhi Agreement which said that 'sovereignty in all matters other than those specified in the Instrument of Accession continues to reside in the state.'

In its application (Article 253) to Jammu & Kashmir, the following provision was added:

> "No decision affecting the disposition of the state of Jammu & Kashmir shall be made by the Government of India without the consent of the Government of the state. It accounted once again to a violations of the international commitments by the Government of India as in the January 5, 1949 resolution of the Security Council, it was resolved that the final disposition of the state of Jammu & Kashmir is to be made by a free and impartial plebiscite to be conducted under the auspices of United Nations".

Bakshi tried to win over all the pro-Abdullah members of the Assembly by releasing them from the detention and persuading them to associate themselves with the constitution making of the state. Sheikh and his close associates voiced great concern about the developments and demanded the constitution making be suspended, Mirza Afzal Beigh, the close associate of Sheikh Mohammad Abdullah immediately after his release from detention established the 'Plebiscite Front' in 1955. This made available to the followers of Sheikh a forum to express their views. In March 1956, Nehru in a famous speech in the parliament withdrew the option of plebiscite in the state on three grounds (i) that for a plebiscite to take place, under the UN terms, Pakistan had to first withdraw its forces from its own held part of the state (ii) that Kashmir's constituent Assembly had approved the merger with India and accepted India's constitution and (iii) that the drawing of the sub-continent into the cold war's security alliances had changed the objective situation drastically for it reflected Pakistan's desire to seek military solution something intolerable and a sign of bad faith.[5]

There may be any amount of truth about the first and third point but second point clearly reflected the change in Nehru's stand, and a betrayal towards the people in the state. Nehru, in early 1950's had rejected Abdullah's proposal that the Constituent Assembly be taken as representing popular wishes and its decisions on the relationship with India be deemed as legitimate substitute. Fortified by Soviet support in the Security Council and provided with a reason by Pakistan's security alliance with the United States, Nehru's nationalism it may be said edged out his liberalism.

The drafting committee, presented the draft of the new constitution to the Assembly on October 10, 1956. It was adopted on Nov. 17, 1956 by show of hands by members of the Constituent Assembly present in the session and came formally into effect on January 26, 1957. It is noteworthy here to point out that the whole constitution making body worked under the directions from New Delhi.

Besides, other provisions, Article 3 of the constitution of Jammu & Kashmir provides that the state of Jammu & Kashmir is and shall be an integral part of India. Article 147 provides that 'no bill or amendment can be introduced in either House of the legislature to make changes in these Articles'.

Elections in the state during the Bakshi era were held two times 1957 and 1962. Plebiscite Front boycotted both the elections. as usually, the elections were a repetitions of the one held under Sheikh regime. Bakshi through the trick of rigging managed to install his men in the Assembly. Government machinery was used without any fear in favour of the nominees of the ruling party. Ballot boxes were tampered with, besides disqualifying the candidates on minor grounds. The elections of May, 1957, were as such swept by the ruling National Conference, winning 68 out of 75 seats. The Praja Parishad won 5, Harijan Mandal 1 and independent 1.

With the elimination of all pro-Abdullah followers from the Assembly of the state, as well as the party, Sheikh was released in January, 1958 after more than four years of detention. He struck to his stand of a right of self determination and refused to

submit to the view that the state formed an integral part of the Indian Union. In May, a conspiracy case was hatched against the Sheikh. He was charged with hatching a plan to over throw the Government and annex the state with Pakistan. During the trial proceedings, Sheikh continued to hold that Kashmir was an international issue, it was to be settled in accordance with the wishes of the people of the state. This fake conspiracy case after continuing to prolong for a period of six years, had ultimately to be withdrawn by the Government.

The second elections to the State Assembly during Bakshi period were held in 1962, under the control and supervision of the Election Commission of India. Out of 75 seats, the National Conference bagged 70.

Following the directions of the Centre, frequent inroads were made into the autonomy of the state during the Bakshi period. Forces opposed to the autonomy left nothing unturned to seek an abrogation of Article 370. Among many others, a few encroachments of the Union in state's autonomy are:

(i) Application of Fundamental Rights;

(ii) Extension of the jurisdiction of Auditor General of India to the Audit and Accounts Departments of the state. The accounts of revenue and expenditure are subjected to the audit and scrutiny of the Auditor General;

(iii) Creation of the cadre of IAS and IPS officers for the state through an amendment in Article 312;

(iv) Allocation of funds from the Centre;

(v) Amendment of the state's constitution to provide for the extension of jurisdiction of the Supreme Court over the state of Jammu & Kashmir. The recommendations of the state legislature have been incorporated in the Indian constitution through a Presidential order issued on January 26, 1960;

(vi) Approval of the Union Planning Commission of the state's Development Programmes; and

(vii) Abolition of permit system which put restrictions on the entry of Indian nationals into state. Permit to non-

state subjects to purchase land and other immovable property in the state who intend to set up industries there.

These moves were not only opposed by the followers of Abdullah, but later by Centre's handpicked Bakshi as well. Having strengthened his grip over the Government after sweeping the 1962 polls, he began to show signs of going beyond what had been assigned to him by the Government in New Delhi. His reluctance to permit New Delhi to make further constitutional inroads into the state and his disapproval of the attempts to abrogate Article 370[6] ultimately put him to lay down the reins of power under the facade of what is known as Kamraj Plan in August 1963. The Plan evolved at the instance of Pt. Nehru asked senior congressmen to make room for the younger generation in order to infuse new blood in the Government. Although the Plan was not applicable to him, being a non-congress man, yet he succumbed to this tactful move of support system of Pt. Nehru. There appeared at once a scramble for power in the state among the many aspirants from the National Conference. Nehru got a lesser known man Shams-ud-Din elected by the Assembly in October, 1963. Ultimately, the apple cart was upset by the theft of the Holy Relic from the Hazratbal Shrine on December 27, 1963. The news of the disappearance of the Relic spread like wild fire and caused widespread dismay and anger among the people. Awami Action Committee with Moulvi Farooq as its Head, came into being, to channelise the people's anger against this episode. Soon the agitation assumed political overtones as new demands for release of Sheikh and holding of promised plebiscite were raised. The Holy Relic was stealthily restored by the culprits at its place on January 4, 1964.

The event, however, had clearly exposed the lose grip of New Delhi over the affairs in the state. A rethinking in policy for the state was now a necessity.

The brief innings of Shamus-ud-Din was brought to an end with his replacement by G.M. Sadiq in Feb. 1964. Sadiq Government was the first liberal regime since National Conference grabbed power in 1947. Sheikh Abdullah was

released in April 1964 with the withdrawal of conspiracy case against him. He remained stiffly insistent on the right of self-determination by plebiscite for deciding the future of the state. In one of the protest meeting at Hazratbal, he poured out the contents of his heart in these words, 'the intentions of the ruling party of India are not good and freedom cannot be achieved by imploring anybody and thus in view of India's present attitude you will have to think of some other means.[7]

The New Delhi's new approach towards Kashmir issue paved way for a dialogue with Sheikh. He was permitted to go to Pakistan in order to enlist their participation in the settlement of the problem. One logical idea in Sheikh's mind was a confederation of India, Pakistan and Kashmir. Mr. Ayub Khan, to the disappointment of Sheikh, turned down this idea, labeling it as an 'absurd proposal',[8] brought at the instance of Nehru.

During his foreign tour from February 1964, Sheikh visited a number of countries, including China, Egypt, Algezaire in company with his colleague Mirza Afzal Beigh. He acquainted them with the affairs of the state, and the commitment of 'free and impartial plebiscite in the state.'

Sheikh also attended an Islamic Conference at Jiddah and presented the Kashmir issue there, and invited New Delhi displeasure. Abdullah was immediately recalled and rearrested in May 1965 under Defence of India Rules.

Under G.M. Sadiq (1964-71), many other provisions of the Indian Constitution which helped erode autonomy were extended to Jammu & Kashmir. Article 249 was extended to the state, whereby, the Centre could legislate on any matter enumerated in the state list. Further, provisions were made so that Article 356 could be applied to the state in its totality, through a Presidential order issued on December 21, 1964. Under the previous Jammu & Kashmir order of 1954, the National Emergency clause of the Indian constitution could not be declared on the grounds of break down of law and order in the state. At the same time, Article 357, empowering the Parliament to confer on the President the power of state legislature to make laws also extended to Jammu & Kashmir.

A Drastic Amendment

As a step further, the sixth Amendment to the constitution of Jammu & Kashmir was made in April 1965. It introduced drastic changes in the constitution. The amendment abolished the office of the Sadri-e-Riyasat and incorporated a provision in the state constitution which provided for a governor to head the state and the state government. It also abrogated the provisions of Section 27 of the constitution which laid down the procedure for the election of the Sadri-e-Riyasat and his recognition by the President of India. The provisions of Section 27 were replaced by fresh provisions which stipulated that the Governor of the state would be appointed by the President of India. The sixth Amendment also abolished the office of the Prime Minister, replacing it with Chief Minister. It thus changed the very character of the government. In 1952 the state Constituent Assembly had introduced a change from hereditary rulership to democratically elected Sadri-e-Riyasat, a momentous change in the character of the government which terminated the hereditary rule of the Dogra Maharaja's dynasty. Accordingly, Article 370, Explanation C(1) as quoted earlier was amended and the Maharaja was substituted with an elected Sadrie-e-Riyasat. But the sixth Amendment was not a mere change in the designation of the head of the state, it changed the character of the government from a democratic to non-democratic, which badly affected the autonomous status of the state.

Here one may not gloss over the fact that unlike other governors of the Indian states, the Jammu & Kashmir governor had draconian powers under Section 92 of the Jammu & Kashmir constitution. Originally, the elected Sadri-e-Riyasat responsible to the state legislature, was entrusted with wide powers under Section 92 of the constitution. Under this provision, in case of failure of the constitutional machinery, 'the governor may by proclamation assume to himself all or any of the functions of the government of the state and all or any powers vested in or exercisable by anybody or authority in the state'. Further, any law made by him in exercise to that power will 'continue to have effect until two years have a elapsed from

the date on which the proclamation ceases to have effect, unless sooner repealed or re-enacted by an act of the legislature, and any reference in the constitution to any act of a law made by the legislature, shall be construed as including a reference to such law'. In short, like an absolute monarch, he is transformed into Supreme Executive, Supreme Legislature and Supreme Judiciary under Section 92 of the constitution. Thus the transfer of such powers to a nominee of Centre, who holds his office at the pleasure of the President and is usually a factotum of the ruling party at the Centre was a gross violation of Article 370 and destroyed the republican character of the Jammu & Kashmir Government. Todate, Jammu & Kashmir has thrice came under Governor's rule 1977, 1986 and 1990. Krishna Rao is the ninth Governor of the state.

In December, 1965, the President issued an order to apply to Jammu & Kashmir certain entries (Trade Unions and Labour disputes, social security and labour welfare, factories and professions such as medical and legal) in the union and concurrent lists to facilitate the extension of some Central Government Act to the state.

The process of the erosion of autonomy under Article 370 continued unabashedly. Some twenty eight constitution (Application to Jammu & Kashmir) orders issued from 1954 to 1977. Each order extended more provisions of the Indian Constitution to the state Parliament also extended 262 Central laws to the state upto 1973. In February 1967, three Sections of the Jammu & Kashmir representation of the people Act were amended to bring it on part with the Central government law. These amendments placed state elections under the jurisdiction of the Central Election Commission.

Despite the fact that the attempts at eroding the Article 370 continued, the true leadership in Kashmir never gave up their efforts to restore Article 370 to its original positions. A political analysts comments, 'the popular mood in Kashmir valley being overwhelmingly in favour of breaking away from India, restoring truncated Article 370 to its original status as a political gesture is eminently sensible.[9] It needs to be stressed that the

Kashmiri leadership right from Sheikh till today have regarded Article 370 as an Article of faith and resisted any attempt to abrogate it.

During G.M. Sadiq's tenure as Chief Minister of the state, elections to Legislature Assembly were held in 1967. Plebiscite Front did not participate in them. Most of its members remained behind the bars.

Sheikh was released from detention in January 1968. He continued to follow an anti-Indian posture, making the people to rally around him in large number. In October, 1968, he convened, what he called Jammu & Kashmir state People's Convention. In the inaugural address to the convention, Jaya Prakash Narayan stressed that 'after 1965 war, Pakistan had no locus standi in Kashmir dispute, which must now only be settled within the framework of the Indian Constitution'. In 1971, the Plebiscite Front, founded in 1955 was banned by the government. Sheikh once again started questioning the validity of the accession to India. Both Sheikh and Beigh were prohibited from entering the state. It was only on 5th June 1972, after Indian army had won the war with Pakistan that Sheikh was allowed to return to his homeland. By this time Mr. Sadiq breathed his last. Syed Mir Qasim had assumed the office of Chief Minister of the state. Mr. Qasim held the position of Congress President in the state and also worked as a Minister in Sadiq's cabinet. Meanwhile, the two parties, National Conference and the Congress, displaying fundamentally identical aims and objects, a merge of two political parties was undergoing. The fourth election to the state legislature were held in March, 1972. It returned Congress party (after National Conference had completely merged with Congress) to power.

The dismemberment of Pakistan in 1971 war reduced the bargaining capacity of Kashmir leaders with India. At the age of 70 now, Sheikh had also lost all his energy to fight India any more. His temptation for holding the reins of power peacefully were strengthening. In an interview with London Times on March 8, 1972, he pleaded for a solution of the problem within the framework of the constitution of India. On 23rd June, 1972,

speaking at the Hazratbal Mosque, Sheikh Abdullah disclosed that he had give Mirza Afzal Beigh 'full authority to discuss with any representative of Mrs. Gandhi a greater autonomy formula for state.[10]'

The dialogue started in 1972 when Mirza Afzal Beigh declared, 'we are prepared to consider in all sincerity the re-establishment of relations on the basis of the literal and lexical interpretations of Article 370 and its implications.[11]' What Beigh wanted was that the Government of India must recognise the autonomy of the state as it existed in 1953. The process of reconciliation started with a direct meeting between Sheikh and Mrs. Gandhi in New Delhi in June 1972. It was followed by a meeting between Sheikh and Swaran Singh in 1974 and a series of deliberations between the representatives of Sheikh and the government of India to jointly explore the areas which had legal and constitutional character.

Meanwhile, after its defeat, Pakistan had come to a peace agreement with India. For India, it was an opportunity to extract concessions on Kashmir. On July 2, 1972 an agreement signed by Mrs. Gandhi and Z.A. Bhutto, known as Simla Accord, proposed: 'In Jammu & Kashmir, the line of control resulting from the ceasefire of December 17, 1971 shall be respected by both sides without prejudice to the recognised position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of fore in violation of this line' (Sub-clause 4(ii) of the Agreement).

Peter Hezelhurst, the London Times correspondent, writing under the title 'Concessions at Simla Summit bring hope for deal on Kashmir', interpreting the Sub-clause 4(ii) referred to above wrote:

> "Apparently this will mean that Pakistan has agreed to settle the Kashmir issue bi-laterally with India and President Bhutto of Pakistan will not raise the dispute in the United Nations if he keeps to the spirit of the Agreement. This would appear to be an important concession to Mrs. Gandhi; the Indian Prime Minister who has advocated bilateralism as the means of

> settling Kashmir and other disputes with Pakistan. The Agreement also stipulates that both parties have agreed to recognise the ceasefire line in Kashmir, as it stood at the conclusion of war in December, and convert it into a line of peace."[12]

India thus received a commitment from Pakistan that it will not use force in Kashmir. Delhi moved internally ahead to remove political differences with Sheikh Abdullah. The Beigh-Partha Sarthy talks ultimately concluded into what is known as 'Kashmir Accord' in November, 1974. The Accord was confirmed by the Political Affairs Committee of Central Cabinet on January 18, 1975 and the Indian Parliament on February 24, 1975. It led to Sheikh's return to power after 22 years in the wilderness and after the dissolution of the Plebiscite Front.

The essence of the Kashmir Accord was the acceptance of the finality of the state's accession to India and the fortification of the special status of the state as enshrined in Article 370 of the constitution of India. However, it refuted Sheikh's demand that whatever laws had been passed and applied to Kashmir during the period he was not in power (1953-1975) should be revised or abrogated. Mrs. Gandhi, in her letter to Sheikh dated 2 Feb. 1975 made it clear that 'the clock cannot be put back'.[13]

The demand that Article 356 be modified to require the state government's concurrence before imposing President's rule in the state was ignored.[14] In this context, the Accord said 'where any provision of the constitution of India had been applied to the state of Jammu & Kashmir with adoptations and modifications, such adoptation and modification can be altered or repealed by an order of President under Article 370, each individual proposal in this behalf being considered on its merits: but provisions of the constitution of India already applied to the state of Jammu & Kashmir without adoptations and modifications are unalterable. No law made by the legislature of the state of Jammu & Kashmir, seeking to make any change in the constitution of the state of Jammu & Kashmir ..... shall take effect unless the Bill ..... receives (President of India's) assent. The Accord insisted that the 'Parliament would continue to have power to

make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the constitution. Kashmir was termed as the 'Constituent Unit of India', though its relations with the Union would continue to be governed by Article 370 on Welfare measures, cultural matters, social security, personal law and procedural laws in a manner suited to the special conditions of the state.

The text of the six point Accord is reproduced below:

1. The state of Jammu & Kashmir, which is a Constituent United of India, shall on its relation with the Union, continue to be governed by Article 370 of the constitution of India;
2. The residuary powers of Legislation shall remain with the state, however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the constitution;
3. Where any provision of the constitution of India had been applied to the state of Jammu & Kashmir with adoptation and modifications, and such adoptations and modifications can be altered or repealed by an order of the President under Article 370, each individual proposal in this being considered on its merits, but provisions of the constitution of India already applied to the state of Jammu & Kashmir without adoptations or modifications are unalterable;
4. With a view to assuring freedom to the state of Jammu & Kashmir to have its own legislation on matters like welfare measures, cultural matters, social security, personal law and procedural laws, in a manner suited to the special conditions in the state, it is agreed that the

state government can review the laws made by Parliament or extended to the state after 1953 on any matter relatable to the concurrent list and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Article 254 of the constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to laws to be made by the Parliament in future under the proviso to clause 2 of that Article. The state Government shall be consulted regarding the application of any such law to the state and the views of the state government shall receive fullest consideration;

5. As an arrangement reciprocal to what has been provided under Article 368, a suitable modification of that Article as applied to the state should be made by Presidential order to the effect that no law made by the legislature of the state of Jammu & Kashmir, seeking to make any charge in or in the effect of any provision of the constitution of the state of the Jammu & Kashmir relating to any of the under mentioned matters, shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent; the matters are:
   (a) "the appointment, powers, functions, duties, privileges and immunities of Governor; and
   (b) the following matters relating to elections, namely, the super intendence, directions and control of elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage and composition of legislative council being matters specified in Section 138, 139, 140 and 150 of the Constitution of the state of Jammu & Kashmir".

6. No agreement was possible on the question of nomenclature of the Governor and the Chief Minister and the matter is therefore remitted to the principals".

Immediately after the 'Accord' was made, Syed Mir Qasim the Congress Chief Minister in the state was instructed by the Centre to stepdown. Sheikh Abdullah succeeded him as the Chief Minister of the state with the support of the Congress party. Three Ministers were inducted by him in his cabinet, namely Mirza Afzal Beigh (his associate) Thakur Devi Dass (High Court Judge) and Sanam Narbu of Ladakh (Indian Ambassador in Mangolia). None of these cabinet members had any association with the Congress party, nor had been elected members of the state legislature. Thus the Congress government ended after monopolising political power for a period of ten years (1965-1975). Sheikh Abdullah revived the National Conference in October, 1975 and in April 1976, he was elected President of the party. When Janata Party defeated Congress (I) at the hustings in 1977 and took over power at the Centre, Congress withdrew its support to the National Conference so that it would form a Congress government in the state on the basis of its majority in the House. But Governor L.K. Jha aborted the move by dissolving the assembly and imposing Governor's rule for the first time in the state. Abdullah's reaction to the withdrawal of a support to him by the Congress was sharp. In a press statement he declared:

> 'Since the congress party has withdrawn its support the Accord that had been concluded between him and Indira Gandhi should be deemed to have ended'.[15]

The elections to the Assembly of Jammu & Kashmir were held towards the end of the June, 1977. At the beginning of the Governor's rule in the state, the popularity of Sheikh had touched an unprecedental low in view of the wide spread dissatisfaction with the results of Kashmir Accord. Besides, Sheikh's decision to abolish 'Food Subsidy' had much annoyed the public. The Kashmir Accord which had raised expectations

about the smooth Centre-State relations did not prove true. It did not even help silence the issue of 'autonomy' from the state politics.

The state unit of Janata Party mostly comprised of deflected members from Congress, National Conference (Bakshi group) Jan Sangh. People as diverse as Moulana Masoodi, Ghulam Mohi-ud-Din Kara, Shamim Ahmad Shamim, Prem Nath Bazaz etc. combined with a view to take advantage of Sheikh's declining popularity in the state. Top Janata Party leaders, Moraraji Desai, Jagjivan Ram visited the state and launched election campaign. Abdullah took advantage of it and fought elections on an anti-Indian plan. Both Sheikh and Beigh posed the question of autonomy before the electorate. Reacting to the statements of the Janata leaders who wanted Article 370 repealed,[16] Sheikh said, 'we shall not hesitate to secede from India if we are not assured a place of honour and dignity in terms of the safeguards provided for the people of the state under Article 370 of the constitution ..... we shall remain part of India only with dignity and honour[17] .....' The Central leadership of the Janata Party, however, assured the people of the state about the retention of Article 370.[18]

It is interesting to refer to the manifesto of state unit of Janata Party which read, 'Kashmir was deprived from reaping the harvest of freedom. The Congress rulers never took the state people into their confidence and imposed tyrants and despots on them. They deliberately nourished public men who were ready to repress and oppress Kashmiris. The local stoppage who were foisted from above incessantly tried to keep their Congress masters in New Delhi in good honour. They were never responsible to the people of the state'.[19]

The results of the 1977 elections made it sufficiently clear that National Conference had the distinction of being the single largest party to have won from all regions of the state. It won 39 out of 42 seats from the valley. 7 out of 32 seats from Jammu and both the seats from Ladakh. Sheikh's appeal to the voters from the sick bed helped National Conference to sweep the polls. Abdullah recovered and assumed the charge of Chief

Ministership on July 9, 1977 and remained in the chair till his death on September 8, 1982.

Though Janata Party fought a bitter fight against Sheikh, it did show decency to let Sheikh remain in peace after he won his convincing victory. On its part, Sheikh also knew from the past practices that any anti-Centre policies may result him in losing his power at this old age. He, therefore, himself resorted to curbing anti-Indian feelings in the state. On his recommendation, Governor issued Public Safety Act in October, 1977, which was worse than 'MISA' (Maintenance of Internal Security Act), stringent and even fascist in character. Under it, any one could be arrested on the pretext of being a doubtful citizen and detained for two years without trial being heard, with the provision of extending this term by the government if it desires.

Meanwhile, a serious confrontation arose within the National Conference between Sheikh and his long time associate Afzal Beigh. Sheikh wanted his son Dr. Farooq Abdullah to succeed him. Mr. Beigh thought on other lines. He would like to groom his son-in-law against the wishes of Sheikh. He managed to win for him a place in the Upper House of the Assembly with the help of some members of the ruling party. Immediately after this, political loyalties of the members of the party got divided. Afzal Beigh was ousted by Sheikh in September 1978. This cleared the path for Sheikh to push up his son, Dr. Farooq Abdullah to the desirable position.

With the return of Mrs. Gandhi to power in the 1980 General Elections an increased pressure from New Delhi over Sheikh started building up inspite of the fact that Abdullah had openly supported Mrs. Gandhi against the Janata Party in the elections. The Congress Party in the state launched a campaign maligning Abdullah's government for corruption and price hike. Abdullah, inturn, again raked up the issue of accession. Despite his failing health, Sheikh succeeded in introducing the 'Resettlement Bill' in March 1980. The Bill titled, 'A Bill to provide for regulation of procedure for grant of permit for resettlement for permanent return of the permanent residents of the state', was introduced

by an MLA of the ruling party, Abdul Rahim Rather. It sought to regularise the settlement in the state of those people of Jammu & Kashmir who 'migrated' to Pakistan or Pakistan controlled Kashmir and wanted to return to their home land. The Bill was indeed a major step by Sheikh Abdullah to reassert the state's autonomy exercised by him prior to 1953. It was bitterly opposed by the Centre. The whole debate was given a constitutional colouring and the powers of the Jammu & Kashmir legislature to undertake such a legislation were questioned. Besides, the Bill was considered a 'Security Risk'. Abdullah remained undeterred. He bluntly declared, 'we will adopt the Bill. The Indian citizens Act runs counter to our state constitution and the Delhi Agreement of 1952'. We have acceded to India on matters relating to defence, foreign affairs and communications only and our special relations are governed by Article 370 of the Indian Constitution'.[20] He argued that the Bill was within the ambit of the state constitution and the constitution of India had re-affirmed his government's commitment to take steps to 'undo erosions' in Article 370, which included repeal of the Central laws applied to the state after 1953. In another speech from the holy shrine of Hazratbal, Sheikh Abdullah went even to the extent of denouncing all critics of the Bill as 'Hindu communalists of North India' and accused them of wanting to upset the present communal configuration of Kashmir's population, presumably with a view to reducing the Muslim majority into minority.[21]

The Bill was passed by the Assembly on March 30, 1982, by a majority vote, with some of the opposition members under suspension. It became an Act under the title, 'The Jammu & Kashmir Grant of Permit for Resettlement in (or permanent return to) the State Act 1982'. On April 2, 1982, it was forwarded to the Governor, B.K. Nehru for his assent. He declined and sent the Bill back to the Assembly in May, 1982.

The income tax raids on Srinagar's business elite on April 21, 1981, added further to the Centre-State confrontation. More important, the raids struck at some of the staunchest supporters of the Chief Minister and his party. 'The victim was myself'

Sheikh told 'India Today' describing the people raided as just the instruments.[22] On one famous occasion, during a whirl wind tour of Jammu & Kashmir, Mrs. Gandhi meanwhile allowed herself to declare that without the Centre's tolerance and help, his Government could not last even for half an hour.[23] She attacked Sheikh Abdullah by name and declared bluntly that minorities in Kashmir no longer felt safe.[24]

Sheikh counter charged the Centre for its machinations against his government. He warned it that an Assam like situation would rise in Jammu & Kashmir if the policies adopted by the Indian Banking and Commercial establishments in the state against the local people in the matter of employment were permitted to continue.[25] He advised Centre not to treat the states like municipalities as was done in the past.[26] In this manner, Sheikh kept alive the fight for the cause of autonomy for the state in general and for his own state in particular. In the latter years of his life, he was disappointed to see the failure of true functioning of democracy in India on the basis of pure federal principles. Simultaneously, a need for a better understanding of the future of Kashmir's relationship with India was also dawning upon him despite the fact that the hostile attitude of Centre towards the Re-settlement Bill was evident. Sheikh was convinced that the state could no longer afford the luxury of an open confrontation with the Centre, if the progress of the state was to undergo smoothly.

By now Sheikh's health was showing signs of further deterioration. He nominated his son Farooq Abdullah as his political heir in March 1981 at a gathering in Hazratbal, after having being pushed him to the Presidentship of the ruling party, the National Conference. In August, 1982, he inducted Farooq Abdullah in his cabinet as Health Minister. Sheikh Abdullah died on 8th September, 1982 after having dominated the political stage of Kashmir for more than half a century. Alongwith his death his commitments of opening Rawalpindi road and revoking such provisions which had been imposed upon the state after 1953 got also buried.

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Chapter 9

The Struggle for Power (1982-1989)

Sheikh Abdullah after his demise was succeeded by his son Farooq Abdullah as Chief Minister of the state with full backing of the Centre.

In his first address to the National Conference legislature party he declared that he was a Kashmiri and would remain a Kashmiri and die a Kashmiri. He described Kashmir's bond with India as unbreakable.[1] He assured that 'he would defend with all his might' Article 370 of the constitution.[2] The first acid test of Farooq's ability to satisfy Kashmiri nationalism, against Centre's attempts to dilute the state's autonomy, was the controversial Resettlement Bill, which was reintroduced in the Jammu & Kashmir Assembly on September 23, 1982. The Governor had held the Bill to be 'infructuous' on technical grounds and cautioned that it would open flood gates for 'spies, saboteurs and foreign agents to resettle here as a matter of legal right'.[3] He asked the state legislature to amend the Bill to 'make it consistent with the correct constitutional position[4] and maintained that the right to grant citizenship rested with the Centre. Mrs. Gandhi herself tried to dissuade Farooq Abdullah from seeking approval of the Bill. However, despite strong opposition, the Bill was readopted by both the houses of Jammu & Kashmir Assembly on October 4, 1982 and on October 6, 1982 Governor B.K. Nehru had to give his assent. But the Centre

decided to refer it to the Supreme Court for assessment of its constitutional validity. It came as a major political victory for Farooq Abdullah. The adoption of the Bill affected the political equation in the state as well. Being a popular piece of legislation it was endorsed by the forces hitherto opposing National Conference's policies. These included Jamat-i-Islami Chief Syed Ali Shah Geelani, the Chairman of the People's Conference Abdul Gani Lone, the leader of the Inqualabi National Conference, Ibrahim Dhar and the State Janata leader Abdul Rashid Kabili. On the other hand, it was bitterly criticised by the traditional alley of the National Conference, the Congress-I.

Elections to the state Assembly were held in June 1983. In a dramatic move Farooq Abdullah approached Congress-I for an electoral understanding but the two sides failed to reach an agreement over electoral alliance. Failing, Farooq Abdullah surprised every one by accepting the offer of support from Mirwaiz Moulvi Farooq, the leader of Awami Action Committee, a bitter rival who had come close to him in the backdrop of the cooperation extended to him during the Resettlement Bill. The corner stone of Mirwaiz's support was 'Muslim solidarity against outside domination'. The thrust of Farooq Abdullah's election campaign was directed at the threat faced by the Kashmiri muslims from the 'alien' Congress-I which he alleged had indulged in communalism and regionalism. He warned the Centre Government against its attempts to erode the state autonomy, and emphasised that the National Conference alone could uphold the autonomous status of the state by preserving Article 370.

National Conference, however, neither in its election manifesto nor in its campaigns endorsed any secessionist ideas. On the contrary, the manifesto of National Conference categorically referred that the distinct identity of the Jammu & Kashmir state has nothing to do with self determination.[5]

Mrs. Gandhi herself campaigned for Congress against the National Conference. She conducted an aggressive campaign with a distinct pro-Hindu bias so much so that a leader like L.K. Advani stated that, 'Indira Gandhi played the Hindu Card in the

Jammu & Kashmir elections in 1983.[6'] Expressing her sympathy with the Hindus of Jammu who, according to her, lived in a muslim majority state, she gave the signs infact, of using blatantly communal messages in search of votes, a trend that was to deepen later in Congress electoral politics.

In the poll outcome National Conference swept the valley and grabbed eight seats in Jammu. Congress-I bagged the majority of the Jammu seats but won only two in the valley. The final tally was NC:47, Cong.-I:26, vindicating the stand taken by Farooq Abdullah. However, the Congress Chief, Mufti Syed alleged that the elections has no legitimacy. It is based on fraud. It were rigged.[7]

The bitterness between the state and the Centre created by the Resettlement Bill and enhanced by election bickerings increased further when Farooq Abdullah associated himself with opposition conclaves. He hosted the opposition conclave meet of sixteen opposition parties at Srinagar on October 5, 1983. The conclave was to discuss the Centre-state relations. The Srinagar conclave was an important mile stone in the history of autonomy for Indian states. According to Farooq Abdullah the conclave sought to usher a new era, through its demand for an effective autonomy for the Indian states and the desire for setting up of a real federalism in India. Referring to Article 356 and 357, Dr. Farooq charged that these provisions of the Indian constitution 'were an antithesis to the concept of federal polity and, as such, needed to be abrogated.[8']

A muslim Chief Minister of a sensitive state like Kashmir, an ardent supporter of the cause of state autonomy, and his participation in opposition political conclaves surely invited the displeasure of Mrs. Gandhi. It was a time when she had undertaken a well documented centralizing political drive.[9] She had sought to undermine several state governments ruled by non-Congress parties. Defections were being encouraged. Like other non-Congress Chief Minister, Farooq Abdullah and Mrs. Gandhi were set on a collision course. Thus the stage was set to oust Farooq.

It began with the appointment of the new Chief Justice of Jammu & Kashmir by the Centre. It was, followed by the stadium incident wherein, the Indian Cricket Team was hooted while playing against West Indies. Farooq Abdullah was accused of patronising secessionist and anti-national elements and indulging in unconstitutional and undemocratic behaviours.[10] The countdown began when an Indian Diplomate in London, M.H. Mehtre was kidnapped on Feb. 3, 1984 by a group claiming to be the Kashmir Liberation Army (KLA), which demanded the release of JKLF leader Maqbool Butt, who was under death sentence in a New Delhi jail. Later, Mahatre was found dead. In reprisal Maqbool Butt was hanged on Feb. 11, 1984. Congress-I accused Farooq of having links with KLA and other anti-India forces such as Jamat-i-Islami, Jamait-e-Tulaba, People's League, Mahaz-e-Azadi and other similar groups. He was accused of freely allowing them to indulge in anti-national activities, endangering the security of the state, besides hampering its economic development. His alliance with Moulvi Mohammad Farooq, Mirwaiz of Kashmir and his Awami Action Committee was put to question because this organisation was alleged to be engaged in preaching secession, violence and communalism. As a final act, Governor, B.K. Nehru was removed. He was replaced by a more faithful hatchetman of the Centre, Jagmohan. G.M. Shah was selected to act as a surrogate and a dissident group of the NC led by Khalida Shah, wife of G.M. Shah, the daughter of Sheikh Mohammad Abdullah and the sister of Farooq Abdullah, was formed.

In the meantime, the storming of the Golden Temple, by the security forces on June 6, 1984, led to widespread violence by Sikhs against Hindu temples in the state. Farooq was blamed for the damage. It was alleged that the activists of the All India Sikh Students Federation (AISSF) were receiving training at Gurmat Camps in the state. In the backdrop of these developments, Governor Jagmohan masterminded the exit of Farooq Abdullah. He personally made sure that 12 NC defectors declare their support to G.M. Shah and the Congress-I and two Independent

also support him. Farooq was not allowed to prove his majority on the floor of the House and was dismissed on July 2, 1984. This was the second time that a popular Kashmiri leader (the first being Sheikh Abdullah himself) who had reposed faith in the Indian leadership and the political system was shunted out by the Central Government. However, Farooq Abdullah's dismissal evoked popular sympathy for him. The opposition parties in their conclave in Delhi on July 11, condemned the government's act and termed it an 'undemocratic dismissal'.

In an awkward display of power, New Delhi thus violated the federal principle and had a pliant Chief Minister imposed on Kashmir. Most observers felt that Farooq's dismissal was the beginning of a new phase of alienation in the valley. Old fears got revived.

Rajiv Gandhi gained power at the Centre following the assassination of his mother, Indira Gandhi on October 31, 1984. The Shah regime continued to enjoy the support of the Congress until 6 March, 1986, when following communal violence, latter's 26 members withdrew support, leaving Shah with his 12 members of NC (K) faction and one independent in the 76 members Assembly. On March 7, G.M. Shah tendered his resignation and Governor Jagmohan imposed Governor's rule in the state. He did not dissolve the state Assembly.

On the expiry of Governor's rule on September 7, the state was put under President's rule. After two years of 'unethical manipulations and misadventures', the state Assembly was dissolved by Governor in Nov. 1986, announcing at the same time, fresh elections to the Legislative Assembly in March, 1987. By the terms of Rajiv-Farooq Accord (1986). Dr. Farooq Abdullah was serving, meanwhile, as the Chief Minister heading an NC-Congress coalition government.

The announcement of fresh elections to the state assembly gave emergence to a new political forum in the state called the Muslim United Front (MUF). The growth of this political alliance in the state had great political implications over the future political developments in the state. MUF posed a grave threat to both, the Congress-I and the National Conference in the state, in

fact, whole of the valley seemed to have been carried away by the MUF wave.

This religio-political organisation (MUF) in the beginning was a 'conglomeration of fourteen parties and groups, all of them bound together by their single common claim of their dedication to the cause of Muslims.[11] Not long after its formation, due to differences, some of its partners such as the People's Conference, National Conference (K) left the party, reducing it to a mixture of Jammat-i-Islami, Ummete-e-Muslim (founded by Dr. Qazi Nisar), a faction of Muslims led by Maulana Abbas Ansari, Jammat-e-Al-Hadith besides small religious organisations like Itihad-i-Muslimeen, Tahafuz-ul-Islam etc. The party drew its membership from prominent muslims, intellectuals, lawyers, academicians and youths.

The cause which immediately come into mind for the sudden rise of MUF broadly can be (i) the occurrence of communal riots in Feb. 1986, its quick follow up action in the form of persecution of local youths by the state police. (ii) the clamping down of immoral Governor rule after G.M. Shah's ouster in 1985. It had given a great shock to the masses who felt that this change at the behest of Centre was a blatant interference in the internal affairs of the state. (iii) Lastly, 1986 Rajiv-Farooq alliance did not appeal the people. It came to be looked upon with contempt, people felt that this alliance of Dr. Farooq with Cong.-I would bring nothing but dishonour to the Kashmiris and hence the need to search out for another organisation. They believed that it was Farooq Abdullah's bargaining for power that made him to enter into an unholy alliance with the party ruling at the Centre.

Dr. Farooq justified the need for such an alliance to give stability to the state and ensure its economic progress, besides jointly fighting secessionist forces.[12] Justifying the alliance in similar terms, Congress-I leadership pointed out that it is an alliance against anti-national and secessionist forces who are bent upon to destabilize the unity and integrity of the country; Besides, it is a step towards speeding up the economic development of the state.[13] The NC-Congress alliance swept the

polls held on March 23, 1987, by winning 38 and 24 seats respectively. MUF, the main opposition party could secure only four seats. The elections were said to have been rigged massively which destroyed whatever faith the Kashmiri's had in the Indian democracy and force closed all out lets of releasing political steam.

In fact, there was a general feeling on the bureaucracy and the intelligence agencies that the Congress-NC resorted to large scale rigging.[14] The Governor's report on the election also stated that it was openly rigged.[15] It is estimated by the observers that 10 to 15 seats would have gone to MUF, had there been free and fair polls. Rigging of 1987 elections is regarded as the breaking point. The Kashmiri youth perceived the denial of their right to fair and free elections as the final act of humiliation. The reports of intelligence agencies suggest that 'majority of Kashmiri youth who crossed over to other side following the rigged elections were actually suppressed supporters and sympathisers of the MUF.'

Well known observers of the state politics point out that in a way, Accord was hardly the appropriate term to describe what was essentially an agreement between two political parties to form a coalition government and an electoral alliance to contest elections. Since the Congress-National Conference arrangement was described as an Accord, it was perceived to be in the category of the Indira-Abdullah Accord, the Rajiv-Longwal Accord, the Assam Accord and the Mizoram Accord. The common feature of these Accords was an agreement between the regional leaders and the Prime Minister of India over disputes regarding the status or problems of the respective regions. There was no such dispute in Jammu & Kashmir state which Rajiv-Farooq Accord resolved. It was an agreement between them as President's of two political parties. But the way it was perceived, interpreted and projected, it implied a new Agreement over Centre-State relations. Farooq Abdullah himself justified it on the ground that the policy of confrontation that he had pursued with the Centre for two years had cost the state dearly. It also

implies therefore that 'a state like Jammu & Kashmir would not get its due share in the federal set up of India if the ruling party at the Centre did not share power in the state.' Further, to accept a political arrangement for the sake of getting more money is to cause humiliation to any self-respecting people. But no body questioned these obvious implications.

The Congress-National Conference alliance, besides, has many more inherent adverse consequences. It damaged the raison d'etre of the ruling party in the state, for the National Conference owed its popularity in the state mainly to its role of defending the Kashmiri identity against the supposed threats from the Centre ruled by the Congress. But when Farooq, two years after his dismissal joined hands with the party responsible for his overthrow, his National Conference ceased to be own instrument of protest and was instead perceived by the people to be an instrument of humiliation.

The alliance did hardly offer to the citizen the much claimed an efficient and less corrupt administration, enlargement of civil liberties and a greater sense of participation. The exclusive focus of the propaganda blitz over the Accord was on development. However, the yawning gap between the actual performance in the development field and the high expectations aroused by the Accord was bound to cause deep frustrations. Farooq Abdullah himself on a number of occasions publicly complained against the Centre for not fulfilling the expectations of the people in terms of development allocations. Besides, he also raised the issue of the extremely low share of Kashmiri Muslims in Central Government departments in the state. 'Where will the two lakh unemployed Kashmiri youth go, he asked at a function of the Kashmiri Chamber of Commerce'. The real integration of the state with the rest of India, he said, would be possible only if the Centre adopted a more positive attitude towards the development of the state. If the Chief Minister is not satisfied over the role of the Centre in regard to the development of the state, which was the raison d'etre of the Accord, the level of dissatisfaction of the common man on this score can be imagined.

Riots against Farooq's Government broke out, youth called Farooq a traitor to the Kashmiri cause. With the passage of time, the anti-Farooq sentiment continued to grow. Although Farooq and the Congress managed to get a huge majority in Assembly by what so ever means, they ruled without legitimacy. The sanctity of the electoral process and Kashmiri trust in Farooq, already declining after the agreement with Congress, collapsed after these elections.

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Chapter 10

The Emergence, Growth and Consolidation of Political Upsurge (1989-1996)

The decade of 1980's is regarded as the time of Pakistan's military revival. Ruled by a military led government, the Afghanistan crisis restored a frayed Pakistan-US relationship. A beneficiary of American arms in the wake of Soviet-Afghan crisis, Pakistan's military shook off the effects of its 1971 debacle. More importantly, unlike President Ayub Khan who was a modernist military leader, President Zia, the new leader, began a process of Islamisation in Pakistan. As trouble in Kashmir brewed, Kashmiri nationalism once again found an alley in Pakistan. By 1987, two kinds of Kashmiri militant groups had started operating—Islamic groups like Hizbul-Mujahideen (HM) and more secular Jammu & Kashmir Liberation Front (JKLF).

Soon after the National Front Government took over at the Centre, the new Home Minister's daughter, Rabiyya Syeed, was kidnapped. The release of five activists by the state Government, with the full backing of the Centre, was seen as act of surrender. Thus to counter this embarrassment as well as to get rid of a Congress-I coalition government in the state, the Centre devised a game plan.

Jagmohan, a bitter enemy of Farooq Abdullah who had masterminded his dismissal in 1986, was appointed as the state

Governor. This was done to provoke Farooq Abdullah to resign in protest, which he duly did. Thus even under the National Front Government the tradition of maintaining a government of the Centre's choice in power in the state was maintained. As a result, a tyrannical Governor's rule was imposed in the state on January 19, 1990.

Immediately after Jagmohan took over the reins of the government, major political leaders and the activists of various political parties suspected of collaborating with the agitated youth were arrested.

Migration of the Pandit Community

Meanwhile, it is alleged, the authorities in a planned way persuaded the Kashmir Pandit Community to leave the valley and camp in Hindu dominated districts of Udhampur and Jammu. They were promised free shelter, free rations and relief in cash besides pay dues for the employed migrants. Their exodus was defended on the plea that they faced harassment, and therefore, left with no alternative other than to live as refugees. However, one of the Kashmiri pandits, who happened to be camped in Udhampur, disclosed in a letter to a local daily that it all happened at the insistence of former Governor Jagmohan with active support from some self styled Pandit leaders and Hindu fundamentalist organisations. He complained that these self styled pandit leaders have completely sold their community to the Hindu fundamentalists organisations like BJP and Shiv Sena and are speaking their language. The assurances that they will be looked after well once they left the valley were never fulfilled satisfactorily.[1]

Mr. Tarkunde, the Advisor to peoples Union of Civil Liberties (New Delhi) found Kashmir valley wholly alienated from India. He warned that the havoc caused by the excesses should not be under estimated as Mr. Jagmohan has done.[2] The retaliation by the militants also continued. They killed Station Director of Srinagar Doordarshan, some officers of Indian Air Force, Vice-Chancellor of the Kashmir University, and General Manager of H.M.T. Factory in Srinagar.

It was on May 24, 1990 that an unbearable incident in Kashmir history occurred. Chairman of Awami Action Committee Mirwaiz Moulvi Farooq was shot at his residence by some unknown assailants. The authorities maintained that this was the work of the militants. The militants counter charged that it was a well calculated conspiracy by the state to cause rift between militants, people and wean away people from the ongoing movement. Immediately after the attack at his residence, Mirwaiz was shifted to the hospital at Soura, where he breathed his last. Jagmohan was recalled in May, 1990 following the massacre of funeral processionists of Mirwaiz. He was replaced by G. Saxena, an ex-Chief of Research and Analysis Wing (RAW). Under him the policy of strict vigilance proceeded with a vengeance. Meanwhile, on the expiry of Governor's rule on July 19, 1990, President's rule was clamped on the state.

Valley Declared Disturbed Area

Soon after Mr. Saxena took over, he lost no time in declaring valley and 20 kilometers belt of Rajouri, Poonch area as disturbed on July 5, 1990. It provided him with a free hand to curb the militancy. The act vested in the Armed forces all the powers to fire at will at the suspects, dishonour them, persecute them, set on fire the property, ransack houses on the pretext of curbing terrorist activities. It was given constitutional shape by promulgating Terrorist and Disruptive Activities Act (TADA). The Act gave free licence even to the rank of constable among security forces to shoot at a person even if he was only a suspect.

People, as such, did not find too much difference between the policies of the previous and the present Governor, except their tact of application of their plans against the supporters of the resistance.

Meanwhile, a Coordination Committee was formed by Muslim Employees of the government to raise their voice in support of the grievances of the people. The government responded by dismissing the members of the Coordination Committee. With the result, the working in all government establishments, hospitals, Banks, Corporations, Local Bodies

came to a stand still and the employees went on an indefinite strike from 15th Sept. 1990 protesting against government's dictatorial dismissal order of Coordination Committee members.

As there appeared no signs of yielding by Saxena government, life became miserable for already suffering people of the valley. Government controlled ration Depots, Cooperative Shops remained closed. Non-functioning of Banks rendered the commercial activities of the valley paralysed. The heaps of garbage, decomposed bodies of dead animals lay on the streets and open fields. Hospitals became non-functional. Hardships continued to mount day by day. At this critical juncture, voluntary groups of youth came to the rescue of the people and arranged purchase and transportation of essentials from various parts of the state and even from Punjab. It was distributed among the people, lest a large chunk of population would have breathed their last due to starvation.

When government found that the situation has reached to a point of no return, it yielded as the Central Government also intervened. All dismissed leaders of the Coordination Committee were reinstated. Employees were granted full salary of the striking period of 73 days, a record paralyses of administration in the history of Kashmir.

Another incident which shook the Kashmiris off their feet occurred on the mid night of Feb. 23/24, 1991; Armed forces were accused of mass raping the women folk at Kunan Poshpora in Kupwara district of Kashmir. The unfortunate incident was condemned by all and with it, intensified the demand for the permission to Amnesty International to visit the valley. The Enquiry Commission constituted by the Government to investigate the matter lodged a case against the security forces in the High Court of Jammu & Kashmir.

Murli Manohar Joshi, the Bharatiya Janata Party leader decided to hoist the Indian flag in Lal Chowk on 26th Jan., 1992. It was the last phase of his Ekta yatra, which started from South India in December, 1991. The militant groups threatened not to allow him to complete his mission. In the meeting of the top brass of administration and the security forces on 24th January,

1992, wherein the security arrangements were to be decided for the safe arrival of the Yatra, a strong explosion was done by the militants. Five top security officials were seriously injured. Because of the defiant resistance shown by the militants, Mr. Joshi's and his Yatra party composed of about one lakh Yatries was stopped by the Government. Mr. Joshi and some limited number of his party workers were airlifted to Srinagar under tight security arrangements to perform the ceremony, the arrangements for which were priory completed by the security forces. The flag hoisting ceremony of Mr. Joshi was witnessed by his supporters which were seventy in number, besides, a few journalists and some senior security officers.

Aman-Ullah Khan, the chairman of Jammu & Kashmir Liberation Front announced from the other side of the line of control, his decision to organise a people's march to Jammu & Kashmir in Feb. 1992. It was in retalisation to Mr. Joshi's Ekta yatra. However, Pakistan government prevented the marchers from crossing over the line of control to avoid any escalation in the already surcharged tensions with India. Aman Khan was detained and soon released. But he declared his intentions to launch another march. It was once again stopped by the Pakistan Government.

Meanwhile, within the valley ideological differences among the militant organisations began to enlarge. Many instances of excesses were brought to the notice of the government. Mr. Saxena pleaded that 'the government is reluctant to act against those who exceed their brief on the plea that it will affect the morale of the security forces.[3]' Nonetheless, G.N. Saxena, the then state police chief reveals that some sixty six security personnel had been suspended by that time or charge sheeted for committing excesses in the valley.

Mr. Saxena came to be replaced by another experienced army retired General Krishna Rao. He too has left no stone unturned in maintaining a strict vigil over the affairs.

It is during his time that international pressure continued to build about the abuse of human rights in the state. It was the fall of 1993 that the forces laid down the siege of Holy Shrine at

Hazratbal, entrapping some seventy persons including some militants.

The Hazratbal siege raised the Kashmir issue to a saturation point whereby the community of nations at large expressed grave concern beyond human rights to the underlying political problem. The OIC, the European Union and a number of International human rights organisations urged for the settlement of the basic issue in accordance with the legitimate aspirations of its inhabitants.

By this time, United States had also made its stand clear. It accepts that Kashmir is a disputed territory and that India and Pakistan should resolve it between themselves. Although, it does not consider itself as an enthusiastic supporter of plebiscite in Kashmir (congressional testimony, March 6, 1990), it accepts Kashmir as the third party in the issue. It strongly deplores the human rights abuses in Kashmir. A stinging rebuke in the form of an amendment was introduced by right wing Republican Senator Jesse Helmns in September, 1993, when the Senate Foreign Relations committee took up the Clinton Administration's foreign aid requests for fiscal year, 1994. The amendment called for, besides other things, permission by the government of India to international humanitarian organisations for an on the spot assessment of the situation, establishment of an independent human rights commission with powers to investigate allegations of human rights abuses. The Gates Mission which visited New Delhi and Islamabad in the spring of 1990, although low keyed, previously had served the purpose of averting a war by miscalculation between the two neighbours.

The visit of John Mallot, the then US Principal Deputy Assistant secretary, to the sub-continent in summer 1993 did upset a number of people in New Delhi. He blatantly maintained that US considers all of Kashmir on either side of the line of actual control as disputed territory. He came close to offering US good offices or even mediations in the issue.

John Mallot's visit was closely followed by a visit to Kashmir by his successor Mrs. Raphel, who met a cross section of peoples to discuss with them the ground realities. She has since been

insisting that the entire state is a dispute territory and that the 'Simla Agreement' has not proved fruitful for the two countries for eighteen years now to produce a new pattern of cooperative relationship.

It was in this background that President Bill Clinton in his address to the UN General Assembly on September 27, 1993 included Jammu & Kashmir among the major trouble spots in the world. The US President said, 'As we marvel at this era's promise of new peace, we must also recognise that serious threats remain. Bloody ethnic, religious and civil wars range from Angola to the caucuses to Kashmir'. Mr. Clinton's reference to Kashmir as one of the trouble spots in the world threatening peace and stability provided almost a blue print for the administration to seek positive intervention under the courtsy of the UN endeavour for the peace restoration in the troubled spots. In this context more than President Clinton's reference to Kashmir in the UN, were the elaborate remarks of Mrs. Raphel, just little before, when she specifically mentioned that the people in Kashmir be consulted before India and Pakistan settled the Kashmir problem. Significantly, she ran-down the Simla Agreement.

Officials and commentators in Delhi as usually they do, swinging between xenophilia and xenophobia, declared these remarks from United States as latters illegitimate interference in India's internal affairs. However, until recently, the establishment in New Delhi had launched a sustained campaign internationally around the theme of Pan-Islamic fundamentalism and Pakistan's proxy war against India in Kashmir. New Delhi had hoped that United States would place Pakistan in the list of 'terrorist states' for being moved by India's concern about the rise of Islamic fundamentalism. The US refusal to do so was taken as a rebuff. The campaign in Washington and West had focused on the plight of Kashmiri pandits and the alleged proxy war by foreign sponsored militants. Very often, there have been joint campaigns with 'Hindutva' organisations or forces, who also have articulated a demand for a 'home land for Kashmiri pandits'.

By stereotyping Kashmiri pandits and by glossing over the differences among them, New Delhi has been exhibiting a wrong approach. Pushing religious identities to the fore ground and giving the struggle a communal twist, the government is not only endorsing the Sangh family's hate campaign but also been willy-nilly consolidating its role as a defender of an Hinduised polity. What is noteworthy is that several Kashmiri pandit organisations such as the All India Kashmiri Samaj Migrant Action Committee and Kashmiri Pandit Conference, have opposed both the suggestions of a 'safe zone' and Panun Kashmir's demand for 'home land'.

Besides, statements from Washington, the UN Secretary General also expressed his readiness 'should the two countries request to facilitate search for a lasting solution'. The response from the parties has been unimpressive and static. Dinesh Singh, the then Indian Foreign Minister called for secret diplomacy between the two neighbours. Indian former Prime Minister's offer to discuss with Pakistan 'issues related to Jammu & Kashmir are felt to be designed to fend off international pressure.' These are mere diplomatic manoeuvres to meet immediate needs. There is nothing that indicates seriousness or sincerity behind such moves. S.B. Chavan, the former Union Home Minister categorically denied inclusion of Kashmir in any Indo-Pak talks since this 'will be an indirect way of granting self-determination and it pre-supposes that Kashmir is a separate entity'. Kashmir cannot be recognised their force. This stand is incredible at a time when popular demand for trilateral negotiations is clear to every one. The periodic offer of maximum autonomy within Indian constitution derives a very little appeal now. Indeed, if the things have precipitated to a point of no return for New Delhi in Kashmir, it is primarily due to its violation in body and spirit of Kashmir's internal autonomy. The fate of the Article 370, the Delhi Agreement of 1952 and Sheikh's agreement of 1975 with Indira Gandhi amply proves that as in the past so in the recent five years the political leadership in Delhi learnt nothing and done nothing which shows an understanding of the underlying problem.

The siege of Hazratbal, the complete burning down of the Cherarsherief town including Holy Shrine of Noor-ud-Din Noorani explains in several ways the current thinking of the decision makers. It ought to be clear to any unbiased observer that no matter what the outcome, what the Cherarsherief episode indicates is that the real content of policy of the government remains far away from pragmatic. All talk of winning over masses seems just a public posture. The military action in Cherarsherief has no doubt provided a tactical advantage to the security force for it to project its firm and decisive handling of the situation. But, it also consolidates the perception that it is their identity, their nationalism which is under attack, as the people may believe.

Besides, a biased approach of the authorities in the state can take turns towards the worse also. Soft pedaling of RSS role in Kashmir is an instance. The Organisation set up the 'Panun Kashmir' and had provided it with funds and office space at its Jammu Headquarters. Lately, an attempt to bomb blast a school building in Jammu, where migrant students were taking an examination left the two Kashmiri pandit boys who were carrying the explosive injured. The attempt was to arouse the communal passions in the place. No action has been taken against the communal organisation and the news was immediately suppressed.

The formation of Kul Jamat Hurriyat Conference in March 1992 forms an important milestone in the political developments in the state. A US state Department Official commenting on the development points out that the formation of Hurriyat means that the Kashmiris are working together and organising themselves so that they have some one who can speak for them as a whole. Among its primary objectives include the implementation of the UN Resolution and preservation of Islamic identity and muslim majority character of the state. Hurriyat embraces some half a dozen parties and some twenty organisations and groups. It includes among others the Muslim Conference, Jamaat-e-Islami, Peoples Conference, People's League, Awami Action Committee, Hiazbul Mujahideen, JKLF, Maulvi Omer Farooq has been chosen its Chairman.

Hurriyat Conference has been insisting for a negotiated settlement of the problem acceptable to India, Pakistan and 12 million Kashmiris on both sides of the line of control. In this connection, its leaders have been meeting diplomats and statesmen all over the world. It has achieved considerable amount of success in presenting the problem in proper perspective before genuine forums.

Kashmir and the Wind of Change

While discussing the reasons why this flash point has been reached suddenly, journalist Meera Sharma, observes, 'Forty years of misrule and manipulation by Delhi, erosion of the powers enshrined in Article 370 of the constitution which gives Jammu & Kashmir a special status and putting into cold storage of the promise of plebiscite have consolidated the people's desire for a separate state.'[4] Political strangulation is followed by ruthless economic exploitation. The unemployment, the little industrial growth, the rampant corruption, the winds of change in international political and economic environment contributed to a large extent in pushing the things to a flash point so suddenly.

The policy makers in case have shown their bankruptcy in dealing with these factors. Failed methods, exhausted ideas and cultural stereotypes emanate from it. The bankruptcy has ensured over-reaction. The problem is seen in simplistic terms as one of law and order, one linked to terrorism, one created by 'fundamentalist', to be only dealt with an iron hand.

The impatient reaction is linked to a fear of the international implications of foreign involvement and possible future developments. The impact of Kashmir breaking away from India is seen as devastating for its 100 million muslims inhabiting the country. It would confirm the BJP argument that Muslims cannot be trusted and must either 'Hinduize' or leave the country. Muslims, even after half a century of independence face uncertainty, the old wounds have re-opened. Religion, politics and communalism are inextricably mingled in India, affecting every aspect of life.

To be fair in assessment, it is important to point out that the action of government in Kashmir must not be seen as specifically designed for muslims. The response to Sikh assertion of independence was and is similarly harsh. It is the deep rooted Central government's night-mare of disintegration which is linked to the events of 1947. The only reaction to assertion of identity is suppression. We saw how a Sikh body-guarded violated every tradition, including the highly developed sense of honour among the Sikh, and assassinated the very person, he was meant to protect, the Prime Minister of India. Some thing had moved the assassin. Indira Gandhi had become a symbol of the repressive state of the Sikhs. Similar tensions are now being created among Muslims, the long time effect of which could be devastating. These suggest a change of self-perception at all levels of Indian society. India has always prided itself on its secular, humanist and liberal ideological foundations. Mahatma Gandhi and Nehru, the founding fathers of the state, would have been appalled at the mishandling of the present crisis. Take for instance the Indian army and para military forces, one of the largest forces in the world. What matters in the argument is its introduction to long bouts of civil administration. Sustained and final authority to administer civilian population break down the essential core of discipline and self-image of a professional fighting force. Morale, that mystical quality sustaining esprit de corps is damaged.

The Indian army had so far been able to remain the model of professional forces, since it did not involve itself in administration and politics, unlike the army in Pakistan and Bangladesh. Members from the minority communities have applauded the army for professional competence and confidence. But its soldiers are sons of the South Asian soil. The present surcharged communal atmosphere fanned by the communal organisations, does not seem very well for the professional stance and future of Indian army. In Sri Lanka, stories of rape and torture were rife. They are also in circulation in Kashmir.

A new and powerful force, of late, has assumed a key role in the South Asian affair. It is the 'intelligence service'. Their wide influence and impact in South Asian affairs have given them considerable fame. They have their own ethos, cops and methods of working. Their definition of loyalty to the state is not necessarily shared by their respective governments. These agencies are alleged to be active beyond their borders. (Benazir and Narasimha Rao complain of them).

Events in Kashmir, Indian Punjab, North East in India and Pakistan Sind are said to be encouraged by these agencies. India's RAW is charged by Pakistan masterminding the turmoil in Sind. Pakistani ISI is complained by India to be fanning the extremist tendencies in Kashmir.

The internal and external factors that happen to contribute to the sudden eruption of militancy in Kashmir are summarised below:

Internal Factors

It has been a period of transition, coalition and weak governments, of leaders with uncertain futures. A period of impoverishment, unemployment, corruption, political strangulation and economic exploitation. A more vocal, more restless younger generation which is more educated, more political conscious and self assertive volunteered themselves to seek human and democratic rights denied to them. The youth, infact, became the backbone of the present uprising in the state. The mushrooming growth of militant outfits is a manifestation of this phenomenon. They were disenchanted with the government and the system. Their peaceful protests earlier, were put down with cruelty. They were tortured, imprisoned without trial for indefinite periods, and their families harassed. As a result the youth became more militant than their elders and began conducting struggle in the modern scientific way. Kashmiri youth, were greatly alienated by the mass scale rigging of the 1987 elections, in which MUF was in the main victim. They lost whatever faith they had in the electoral exercise. The traditionally gentle and tolerant Kashmiri became agitated this

time. The oppression of the state reinforced their determination for self-assertion. The leadership of the Kashmir, passed, as a result to the new generation. There is no Imam Khomeini rallying people. There is no Sheikh Abdullah. His family, who had reflected the dynastic principle of politics in South Asia has been over taken by events. Unknown names, faceless spokesmen expressed the revolt. They boycotted the 1989 Lok Sabha polls, and unlike their elders, who followed peaceful means, took up arms against the misrule.

The Economic Neglect

Kashmir is rich in natural resources and handicrafts. Its incredible beauty would draw tourist from the world over. But it continues to be commercially backward. Hardly, government has made any significant investment in Kashmir to develop and modernise the tourism industry.

Presently, with tourist influx almost at zero in valley, the victorian house boats in Dal Lake and the hotels remain empty. Their owners have either joined the militant ranks or taken up some different trade. These days, quite often, dead bodies beyond recognition or remains of human debris are frequently fished out of lakes and rivers. The magnificent Mughal Gardens, a great tourist attraction have been over run with weeds. Centuries old monuments are crumbling due to lack of maintenance.

Commercially, the state continues to be backward. No large scale industry has come up. Inspite of past hydro-electric potential, the acute power shortage, especially in the winters, remains a major problem. The power shortage is also a serious bottleneck in the way of development. The Rajiv-Farooq Accord was presented as an opportunity for the progress of the state for economic development and more employment for youth. But it proved a miserable failure. The potential of the state to generate hydro-electricity was immense, provided the water resources had been managed appropriately.

The total requirement of power supply for the entire state is around 700 mega watts. There are frequent blackouts and severe

rationing of electricity supplies throughout the entire valley. The Mohra Power Station was built in the time of Maharaja Hari Singh in early 1930's and has maximum capacity to supply 8 Mega watts of electricity. The Lower Jhelum Project has a maximum capacity to supply 100 mega watts of electricity at its peak during summer. During winter this output falls to about 30 mega watts. The two gas turbines installed for immediate relief during the winters have not been able to solve the problem. They supply insignificant amount of electricity to some areas in and around Srinagar, the capital city.

Two hydro electric projects Salal and Chenani both in Jammu province are channeling their entire electricity supply of 200-300 mega watts via a 132 KV line to the national grid in New Delhi, while the state remains severely under-supplied.

The Uri Project in Kashmir is at its pre-construction stages. When completed, will have the capacity to supply around 500 mega watts.

It may here be pointed out that the catalyst for the present flare up was also provided by the severe power shortage. In June, 1988, popular discontent was violently suppressed.

The lack of infrastructure for industry has left the state entirely dependent upon the rest of India even for day to day consumable goods. The only factory which was functional for sometime in Kashmir was Match Factory. It was also closed sometime around 1970.

A watch assembling factory (HMT) was installed in Kashmir around late seventies. One of the reasons for setting up the factory at this place was that the place was an ideal one, because of the lack of pollution essential for Watch assembling plants. However, many of its employees were from minority community. The factory suffered a severe set back as its General Manager, Mr. Khera was kidnapped and got killed, when government refused to acknowledge to the demands of the militants for a deal.

Kashmir has an old tradition of 200 years of producing mulberry cocoon silk. Gradually, the industry came to be run down and nearly closed due to lack of development on scientific lines and resources.

Similarly, a woollen factory to produce woollen cloth had been installed. But lack of attention, besides funds once again came in its way and it does not produce any quality cloth worth talking about.

The lack of industrialisation has left the government as the only agency providing jobs to thousands of youngmen coming out of Universities, colleges, engineering and medical institutions in the state. The number of educated employed youth has grown tremendously from 100,000 in 1986-87 to 300,000[5] in the state in 1989. The youth, besides, are annoyed that it is minority community and not the majority who are preferred, particularly for the Central government offices in the state, of Central government employment in all grades in the state, the majority community contributes 13%, the figure for gazetted posts dropping to less than 6%. The minority community accounts for 83.6%. For non-gazetted services and class IV category in Central government establishments, the ratio of non-muslims is 79.27% and 72.87% respectively, as against 12.9% and 15% for muslims. Morever, sensitive posts are given only to non-Kashmiris, indicating an obvious bias.

Dr. Abdullah as Chief Minister, many a time, complained that Centre was not providing him sufficient funds to industrialise the state. He has not enough funds to create more jobs in the service sector, including tourism. During 1988-89, the state generated a revenue of Rs. 248 crore, but its wage bill alone amounted to Rs. 352 crore. Of the Central assistance of Rs. 525 crore, Rs. 264 crore were adjusted against past loans and interest schemes.[6] While Himachal Pradesh, with a better agricultural and industrial base, receives Central funds in a loan grant ratio of 10:90, for J&K, it is 70:30.[7] Rajiv Gandhi during a visit to the state some time earlier announced a Rs. 4,000 crore economic package, but very little of it materialised. The state also suffered due to chronic misappropriation of funds by politicians and bureaucrats.

Kashmir known for its excellent quality and variety of apples had once a flourishing apple industry in Sopore and surrounding areas. Such was the demand for Kashmiri apples

that vast area of rice and wheat producing lands were transformed into apple orchards to meet the growing demand. Over a period of few years in early sixties, these apple towns in Kashmir became economically very prosperous.

The Kashmir fruit industry was gradually run down by the government's lack of initiative to meet the growing demands, until it was completely taken over by its rival fruit industry in Himachal Pradesh. Kashmiri fruit growers had to pay taxes for transporting their fruit to Delhi, while the growers in Himachal Pradesh were exempt from such taxation.

Kashmiri fruit growers were not provided with any facilities for cold storage during transportation of their delicate fruit from Kashmir to Delhi. As a result, 20 to 30 per cent of their fruit would rot on its way. This made it very difficult for the Kashmiri fruit growers even to recover their basic production and packaging costs.

Whatever little fruit suppliers survived after the hazardous journey, is bought in Delhi by the middlemen (Hindu Lala) at cheap rates, knowing very well that the poor Kashmiri supplier has no other option. In one such incident in 1992, 10,000 apple boxes were burnt in protest by Kashmiri producers in Delhi, when the prices offered to them were too low.

While a parallel fruit industry was emerging in Himachal Pradesh, simultaneously, the fruit industry in Kashmir was being neglected by the administration. While growers in Himachal Pradesh had easy availability of pesticides, in Kashmir fruit growers had to buy them in black market because of privatisation. The state government deliberately neglected the Kashmiri farmers demand for modern chemicals and technology to combat infestation. Eventually, due to the lack of resources and government input, Kashmiri fruit industry became crippled by pests and diseases.

There has been no comprehensive survey carried out so far to assess the impact of the situation on the people's economic life. The attacks on banks in the past brought to a stand still all the commercial activity. Most of the banks except J&K Bank have ceased to function. As a result, the agriculture sector is also facing a resource crunch.

External Causes

The external factors which contributed in causing immediate flare up in Kashmir are summarized as:

> Kashmiris are well aware of the changing situation in Europe and the Soviet Union. They consider these changes as evidence that boundaries can change, keeping in mind the belief that Kashmir has never been an integral part of India. The international environment has a direct or indirect bearing on the situation in Kashmir. A political analyst in New Delhi suggests 'when a country like Soviet Union has failed, despite the October revolution to create a viable multinational entity, it will be wise for us not to ignore this lesson.[8] Patwant Singh, another observer of the Kashmir scene observes, 'the analogy of Vietnam, Afghanistan and Lebnon cannot be brushed aside in the case of New Delhi's experience in Kashmir on the ground that it is an integral part of India, whereas the others involved alien armies of occupation. True, but with the deteriorating situation in the valley, its people already perceive the Indian army as the instrument of occupying power. A fact to remember is that no armed force can ever function effectively with a hostile population around it.[9] Balraj Puri, opines that the roots of Kashmiri militancy can be traced to two basic urges of 'freedom and identity' which are getting fresh stimulus from development in the Soviet Block.[10]

Islamic Identity

A sense of Islamic identity is prominent in the uprising. By an Islamic identity is meant a general awareness of being Muslims, whether in politics, clothes or customs, not necessarily in terms of religious orthodoxy. This has been a recent development, for the community had been neutral to its Islamic-identity over the last decades. Many had consciously set aside this identity. They had become secular in outlook, good citizens, loyal nationals. But in the end, they had also to face the sticks and battons of state. They were labeled 'enbloc: Muslim rebels.' No 'ism' Marxism or Secularism-protected them.

Global Changes

Lastly, though not certainly the least is the importance of the universal ideas of self dignity, freedom and identity. The contemporary climate that has generated these ideas is a European one judging East European states.[11] But reporters in Kashmir like Reymond Whiltakar, noted the constant reference in conversation to 'Luthuania' as a potent symbol of the times and mood. There is thus in the present uprising a resonance of large global pattern.[12]

The post modernist spirit, easily noted in Kashmir, is a combination of cultural jouisance and nostalgia, of challenging Central authority and replacing traditional slogans of modernity by such facts as 'progress, economic development'. The needs of the nation state. But South Asian political figures and bureaucrats appear well fortified against the post modernist winds blowing in the world. Because they do not comprehend the new universal spirit they cannot concede its cultural and political implications.

It may therefore be concluded that a combination of internal and external factors that has activated the conditions for, and explains, the Kashmir movement in 1990's. It is no doubt, substantially different to earlier expressions of identity. In this case, the desperation and determination appeared extreme. Global changes and Islamic revivalism is part of the explanation of the movement, deprivation and distrust the other parts. The clumsy handling of the situation by state ensures its continuation. The men at helm of affairs appear out of tune with the times, where compassion and imagination are required, we note suppression and suspicion. The sheer lack of charity is compounded with absence of judgement.

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